Ontario Criminal Injuries Compensation Board 1986/87

Eighteenth Report

89-00039/

THE

EIGHTEENTH REPORT

of the

ONTARIO

CRIMINAL INJURIES COMPENSATION BOARD

administering

THE COMPENSATION FOR VICTIMS OF CRIME ACT

for

the fiscal year

April 1, 1986 to March 31, 1987

THE BOARD

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J.H. SHEARD — Chief of Investigations

★ ★ ★ ★ ★ ★ ★

Copies of this report may be obtained from:

Criminal Injuries Compensation Board
17th floor, 439 University Avenue,
Toronto, Ontario M5G 1Y8

Telephone: (416) 965-4755

ONTARIO

Office of
The Chairman

Cabinet du
President

Criminal Injuries
Compensation
Board

Commission d'indemnisation
des victimes d'actes
criminels

439 ave. University Ave.
17th Floor/17e etage
Toronto, Ontario
M5G 1Y8

(416) 965-4755

The Honourable Ian Scott,
Attorney General for Ontario,
Parliament Buildings,
Queen's Park,
Toronto, Ontario

Honourable Sir:

I have the honour to submit the Eighteenth Report of the Criminal Injuries Compensation Board, which covers the period April 1, 1986 to March 31, 1987.

Sincerely,

Margaret Scrivener

Margaret Scrivener (Mrs.)
Chairman

Program Description

The Legislation

The legislation under which the Board functions is the Compensation for Victims of Crime Act, which came into force on September 1, 1971 superseding The Law Enforcement Compensation Act, 1967.

The Board is required by the Act to find the commission of a crime of violence in the principal class of applications coming before it. A basic qualification for the consideration of an award is that there must be adequate and reliable evidence in this regard. In addition, the Board is required to consider all relevant circumstances including the behaviour of the victim at the time of the incident and the co-operation given by the victim to the law enforcement agencies.

Section 6 of the statute prescribes a one-year limitation period for filing an application for compensation, but the Board may extend the time as it considers warranted. During the year, 224 requests for extension of the limitation period were approved and 21 were denied.

Compensation

The Compensation for Victims of Crime Act presently provides that compensation for victims of crimes of violence may be paid up to the following maximums:

In the case of lump sum payments, up to $25,000. and in the case of periodic payments, up to $1,000. per month, and where both lump sum and periodic payments are awarded, the lump sum shall not exceed half of the maximum, which is $12,500.

These new maximums were enacted in November, 1986.

Subrogation

The Board is subrogated to all the rights of any person to whom the payment is made under this Act, to recover damages from the offender by civil proceedings in respect to injury or death. The sum of $61,962. was recovered during the fiscal year, compared to previous years, as follows:

1985/86	$68,729.
1984/85	62,991.
1983/84	38,679.
1982/83	26,834.
1981/82	30,983.

Hearings

The Board, composed of a full-time Chairman, one full-time Vice-Chairman, one part-time Vice Chairman and twelve part-time Members, usually sits in panels of two.

Although a large number of Hearings were held in Toronto, during the fiscal year Hearings also took place in Thunder Bay, Sudbury, Sault Ste. Marie, Windsor, London and Ottawa. This is done routinely to facilitate applicants, and to generate a better understanding of the work of the Board across the province. In addition, this practice results in reduced costs to the Board.

Documentary Evidence Hearings

Some applications are relatively minor and simple of adjudication. Therefore, with the consent of the applicants, they are dealt with on documentary evidence alone. A total of 44 were heard in this manner during the fiscal year.

This approach minimizes the need to inconvenience the applicant and/or solicitor and witnesses insofar as travelling to the location of Hearings, the attendant loss of work time and expenses involved.

Child Abuse

During this fiscal year the Board received 88 applications in respect of child abuse, heard 37 cases and awarded $262,780.26.

Administration and Productivity

The administrative staff of the Board is composed of the Registrar, Chief of Investigations, three investigators and a secretarial, stenographic and clerical staff of eight.

In this fiscal year, the Board heard 1141 applications and 1376 awards were ordered. The larger number of awards ordered over the applications heard is accounted for by the number of awards made on applications heard in the previous fiscal year.

The total value of awards increased from $4,000,275. in 1985/86 to $4,310,085. in 1986/87. Of this amount, $770,926. was in the form of periodic payments.

The number of applications received increased from 1799 in 1985/86 to 2000 in this fiscal year. Due to heightened public interest in the

welfare of injured victims of crime, it is anticipated that the application rate will continue to escalate.

Public Awareness

Large posters and explanatory pamphlets in five languages are supplied to hospital emergency wards and staff lounges, Court Houses and other public buildings, supermarkets, etc.

Police forces throughout the province have been supplied with hundreds of thousands of walletsized cards to be given to victims of crimes of violence advising them how to apply to the Board.

The daily Hearing agenda and a selection of typical Board Orders are provided to the news media, and others upon request.

Cost Sharing

Awards made under the Compensation for Victims of Crime Act are cost shared between the Federal Government and the Government of Ontario. The contribution by the Federal Government amounts to the lesser of 50% of the awards (net of any recoveries), or ten cents per capita of the population of the Province. For the fiscal year 1985/86, this share amounted to $906,620. The Federal Government does not share administrative costs.

Ontario

ONTARIO CRIMINAL INJURIES COMPENSATION BOARD

Injured innocent victims of violent crimes may be eligible for compensation from the above Board. Reporting to, and co-operating with, the Police, is an important consideration. If you feel you may qualify, contact the Board immediately at (416) 965-4755, or write to 439 University Avenue, 17th Floor, Toronto, Ontario, M5G 1Y8.

(9883)

Ontario

COMMISSION D'INDEMNISATION DES VICTIMES D'ACTES CRIMINELS DE L'ONTARIO

La Commission susmentionnee peut accorder une indemnisation aux victimes innocentes d'actes criminels violents qui ont ete blessees. Il est primordial de contacter la police et de collaborer avec elle. Si vous pensez avoir droit a une indemnisation, veuillez contacter immediatement la Commission, en telephonant au (416) 965-4755, ou en ecrivant a l'adresse suivante: 439, avenue University, 17e etage, Toronto, Ontario M5G 1Y8.

(9884)

Applications by Area

Acton	4	Blind River	2	Coboconk	1
Ajax	3	Bowmanville	4	Cobourg	8
Alliston	1	Bradford	2	Colborne	1
Amherstburg	5	Bramalea	4	Collingwood	4
Apsley	1	Brampton	17	Cookstown	1
Armstrong	1	Brantford	17	Cooksville	1
Arnprior	1	Brockville	5	Corbyville	2
Arthur	1	Burks Falls	2	Cornwall	7
Atikokan	1	Burlington	9	Crystal Beach	2
Attawapiskat	1	Caledonia	1	Delaware Township	1
Aurora	1	Cambridge	6	Deseronto	3
Aylmer	1	Campbellford	1	Dorset	1
Bancroft	1	Cannington	2	Dryden	2
Barrie	6	Carleton Place	1	Dundas	4
Barry's Bay	1	Carlisle	1	Earlton	1
Bath	1	Chatham	11	Elliot Lake	2
Beardmore	1	Chatsworth	1	Erin	1
Belle River	2	Christian Island	1	Essex	2
Belleville	27	Clinton	2	Fenelon Falls	2
Blenheim	1	Cobalt	1	Fergus	1

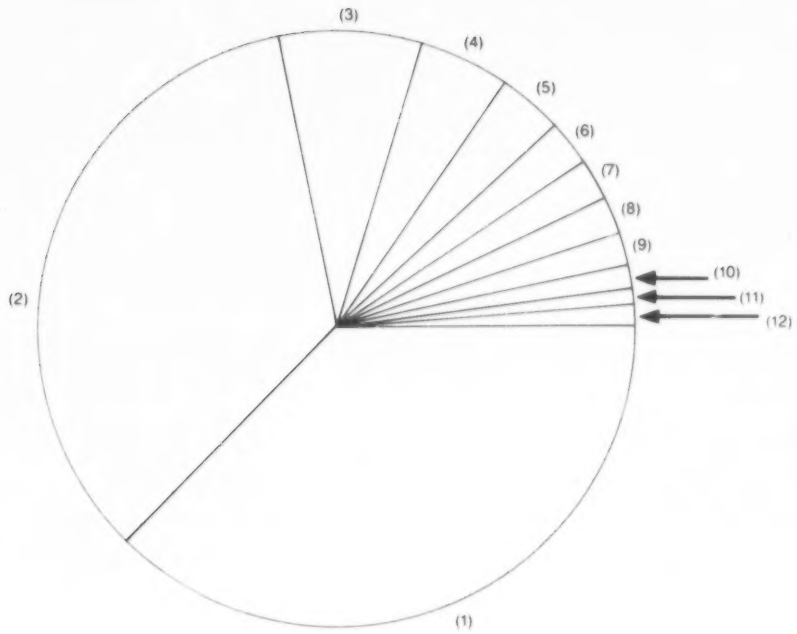
Applications by Area (cont'd)

Feversham	1	Mississauga	41	Sault Ste. Marie	29
Fort Erie	3	Moosonee	2	Scugog	1
Fort Francis	1	Mountain	1	Sebringville	1
Glen Eden	1	Mount Forest	1	Shelburne	1
Glengarry County	3	Napanee	4	Sherkston	1
Gloucester	1	Nepean	8	Simcoe	4
Goderich	4	Newcastle	2	Sioux Lookout	1
Goldburn Township	1	New Liskeard	1	Smiths Falls	5
Grand Bend	2	Newmarket	1	Southampton	2
Granton	1	New Osnaburgh	1	South Porcupine	1
Gravenhurst	1	Niagara Falls	34	Stayner	2
Grimsby	2	Nipigon	1	Stevensville	1
Guelph	11	Noelville	1	Stirling	1
Gull Bay Reserve	1	North Bay	5	Stittsville	1
Hagersville	3	Norval	1	Stouffville	1
Hamilton	123	Oakville	10	Stratford	3
Hammond	3	Orangeville	1	Strathroy	3
Hawkesbury	3	Orillia	4	Streetsville	1
Hillsburgh	1	Orville	1	Stroud	1
Hornepayne	1	Oshawa	17	Sturgeon Falls	1
Huntsville	1	Osnaburgh Reserve	2	Sudbury	37
Ignace	1	Ottawa	100	Sutton	1
Ingersoll	1	Owen Sound	2	Tabeau Lake	1
Innisfil	3	Palmerston	1	Talbotville	1
Johnstown	1	Paris	3	Tecumseh	1
Kanata	1	Parry Sound	1	Terrace Bay	1
Kemptville	1	Pembroke	4	Thessalon	1
Kenora	8	Penetanguishene	1	Thorold	5
Kincardine	3	Perth	2	Thunder Bay	32
Kingston	37	Petawawa	4	Tilbury	1
Kirkland Lake	2	Peterborough	13	Tillsonburg	1
Kitchener	18	Petrolia	3	Timmins	9
Lakefield	1	Pickering	6	Toronto	782
Lasalle	1	Pickle Lake	1	Trenton	5
Leamington	2	Picton	4	Uptergrove	1
Lindsay	2	Port Colborne	5	Uxbridge	1
Linfield	1	Port Credit	1	Vanier	5
Listowel	1	Port Hope	4	Wainfleet	1
Lodon	68	Port Perry	3	Walkerton	2
Malton	1	Port Robinson	3	Wallaceburg	4
Marathon	1	Port Stanley	1	Wasaga Beach	1
Markham	4	Powasson	1	Waterford	1
Markstay	1	Prescott	2	Waterloo	18
Marlbank	1	Queensville	2	Weagamon Lake	1
Marmora	1	Renfrew	2	Webbwood	1
Matachewan	1	Richard's Landing	1	Welland	15
Mattawa	1	Richmond	1	Weston	2
Meaford	3	Richmond Hill	1	Wheatley	1
Melbourne	1	Ridgeway	2	Whitby	10
Midland	5	St. Catharines	40	Wiarton	3
Millbrook	1	St. Thomas	5	Wilo	1
Millhaven	1	St. Anne de Prescott	1	Windsor	65
Milton	2	Sandwich	5	Woodstock	8
Minaki	2	Sarnia	10		
Minden	1	Saugeen	1	**TOTAL**	**2,000**

Types of Crime as Listed on Applications

Common Assault	669
Assault Causing Bodily Harm	84
Sexual Assault	248
Robbery with Assault	89
Murder	80
Attempted Murder	70
Assault Police	67
Resist Arrest	55
Wounding	44
Aggravated Assault	38
Criminal Negligence	19
Assault With a Weapon	17
Robbery With Violence	6
Manslaughter	5
Failure To Provide Necessities of Life	3
Assault With a Vehicle	2
Common Nuisance Causing Harm	2
Arson	1
Kidnapping	1
Total:	**2,000**

NB: The above statistics include 88 cases listed under the Criminal Code and commonly referred to as "Child Abuse". Similarly, cases relating to wife battering and other forms of family violence are encompassed within the assault categories.



1) Common Assault	33.5%	7) Assault Police	3.4%
2) Assault causing bodily harm	29.2%	8) Resist Arrest	2.8%
3) Sexual Assault	12.4%	9) Wounding	2.2%
4) Robbery with Assault	4.4%	10) Aggravated Assault	1.9%
5) Murder	4.0%	11) Criminal Negligence	.9%
6) Attempted Murder	3.5%	12) Other	1.8%

Note: "Child Abuse." The above statistics listed under the terminology of the Criminal Code include 88 cases commonly referred to as "Child Abuse." Family violence cases, especially wife battering, are encompassed within the various categories of assault.

COMPARATIVE SUMMARY

of

APPLICATIONS AND DISPOSITION

BY FISCAL YEARS

APRIL 1, 1986 to MARCH 31, 1987

COMPARATIVE SUMMARY — FISCAL YEARS
APPLICATIONS AND DISPOSITION

	April 1, 1983 to March 31, 1984	April 1, 1984 to March 31, 1985	April 1, 1985 to March 31, 1986	April 1, 1986 to March 31, 1987
Eligible applications received	1488	1697	1799	2000
Applications heard (1)	925	1041	1233	1141
Applications heard on documentary evidence	74	132	81	44
Applications heard but denied	59	67	48	54
Review of awards	6	6	3	6
Decisions completed and awards ordered (2)	970	1086	1220	1376
Files closed	431	415	455	489
Interim awards	3	5	7	7
Supplementary awards	83	76	81	268
Periodic awards	18	15	15	21
Lump sum payments	$2,677,791.38	$2,693,372.73	$3,382,775.91	$3,539,159.10
Periodic payments	$ 571,924.18	$ 592,510.81	$ 617,499.36	$ 770,926.26
Total of awards ordered	$3,249,715.56	$3,285,883.54	$4,000,275.27	$4,310,085.36
Average award (3)	$ 2,870.61	$ 2,480.08	$ 2,772.76	$ 2,451.54

NOTE:

(1) Includes Heard on Documentary Evidence, Heard but Award Denied and Heard but Further Evidence Required, but does not include closed files.

(2) Includes Interim, Supplementary and Periodic Awards.

(3) Periodic Payments not included when arriving at Average Award.

CONSOLIDATED SUMMARY OF AWARDS
APRIL 1, 1986 TO MARCH 31, 1987.

Months	No. of Awards	Medical Expenses	Loss of Earnings	Pecuniary Loss to relatives of Deceased Victim	Pain and Suffering	Funeral Expenses	Other Pecuniary Loss	Legal Fees	Total Lump Sum Awards	Total Monthly Awards
		$	$	$	$	$	$	$	$	$
April	105	9,697	33,245		212,750	11,200	18,740	12,725	298,358	51,743
May	177	11,961	26,411		317,450	5,968	21,177	18,950	401,917	52,173
June	155	17,293	27,318	2,670	283,900	11,870	21,516	14,642	379,209	52,408
July	92	14,458	20,638		127,175	18,364	9,717	8,725	199,077	52,533
August	91	10,642	27,427	8,500	187,200	5,000	14,448	10,050	263,267	52,833
September	106	32,906	21,924	28,650	194,450	22,411	17,028	16,925	334,294	53,422
October	100	7,752	16,749		228,475	2,330	12,627	13,025	280,958	53,134
November	206	11,065	37,550	15,883	219,095	4,277	19,116	12,250	319,237	53,944
December	106	15,258	23,471	2,270	172,545	13,427	12,989	5,850	245,811	53,202
January	64	5,699	11,335		181,400	2,500	13,347	8,325	222,606	97,906
February	67	8,700	15,562	24,232	213,400	5,000	5,860	8,378	281,132	98,689
March	107	13,930	11,615	2,031	240,170	5,875	26,548	13,125	313,293	98,939
Total	1376	159,361	273,245	84,236	2,578,010	108,222	193,113	142,970	3,539,159	770,926
		4.49%	7.74%	2.38%	72.85%	3.05%	5.45%	4.04%		

Combined Totals of Lump Sum and Monthly Payments 4,310,085

EXAMPLES OF DECISIONS
April 1, 1986 to March 31, 1987

THE BOARD ORDER — AN EXPLANATORY NOTE

The awarding of compensation to victims of crime is accomplished through the issuance of a Board Order, or decision, which is the Criminal Injuries Compensation Board's key legal instrument for action.

Under the Compensation for Victims Act which the Board administers, Section 7 enumerates the heads of damages for which compensation may be awarded. The majority of Board Orders fall into this category.

Section 14 of the Act stipulates that in cases of actual financial need, and where there is a probability that compensation will ultimately be awarded, the Board may order interim payments to the applicant.

Section 22 of the Act provides for an order for costs, usually those entailed in making, or providing support to, an application.

Section 25 of the Act, however, is one of the more humane provisions in the Board's statute. Notwithstanding that the Board has already dealt with an application and its decision has been reflected in an Order, where subsequently

(a) new evidence has become available, or

(b) change of circumstances has occurred, or

(c) the Board considers any other matter relevant, on the application of any of the parties to the proceedings; the Board may vary the terms of the original order on such terms as it thinks fit. Thus, an application, once heard, frequently remains open to review under the circumstances envisaged in this provision.

Section 4 provides for the periodic publication of the Board's decisions, and the reasons therefore, providing a useful guide for applicants and solicitors.

As well as being provided to parties to the proceedings, copies of Board Orders are furnished to the media, students and to a number of institutions. An exception to the latter would be where, for reasons stipulated in the Act, a Hearing is held in camera or publication is restricted.

Examples of Decisions

FILE 922-014820

The 28-year-old female applicant was employed at a convenience store in Capreol.

One August evening shortly after 11 p.m., the offender entered the store and without provocation, shot the applicant in the back with a shotgun at point blank range. The offender then shot and killed himself. The offender had threatened and harassed the applicant in the past, although there had never been a personal relationship between the two. Police were called to the scene.

The applicant was taken by ambulance to hospital shortly thereafter. As she was shot in the back of the right chest, the injuries were in the region of the right scapula, chest and lung. There was a pneumothorax (air/gas in chest cavity) on the left side and blood and air had collected in the right chest cavity.

At hospital, the applicant was resuscitated and a thoracotomy (incision of the chest wall) revealed a contused right lung. Air was leaking from a perforation in the right main bronchus and this was repaired. 25-30 pellets remain in the applicant's chest wall. There are several others in the cardiac tissue, and others in the lung tissue which move with her respiration. Palpitations and sometimes an irregular heart beat are a result of these lodged pellets. If they cause problems in the future they may have to be removed.

Since muscle and tendon damage was sustained in the right shoulder area the mobility of the right upper arm was hindered and physiotherapy was required. There are noticeable scars on the applicant's right upper back and under her right breast. The applicant is still bothered by the event and has trouble sleeping.

Discharged from hospital, the applicant stayed with her mother for several months, during which time she required daily home care. She then moved back to her own home with her two children. Baby-sitters were sometimes required for the children and it was not until after Christmas that the applicant was able to stay home alone.

The applicant had, prior to the incident, entered a written agreement to buy and operate the convenience store. This agreement could not be carried out due to the injuries sustained and the applicant testified that she lost a rare opportunity to become self-supporting.

The Board found that the applicant qualified under Section 5 (a) and awarded compensation under Section 7 (1) (d) pain and suffering, $15,000.00.

FILE 922-015820

The applicant, a 24-year-old employed female, was preparing Thanksgiving dinner at her home in Kenora. Her husband, the offender, entered the kitchen and, without warning or provocation, walked to a drawer, pulled out a fishing knife and stabbed her in the right eye. A friend found the applicant unconscious with the blade of the knife still embedded in her eye. The police and ambulance were summoned.

The applicant was rushed to a local hospital and then transferred by plane to a hospital in Winnipeg. Surgery revealed that the knife had perforated the right globe which required the eye to be removed and right orbit sutured. She was discharged from hospital a week later, but made several return visits to Winnipeg for work on her prosthesis.

Medical evidence was submitted to indicate that follow-up work and replacement of the prosthesis would be required in the future. The applicant was advised of Section 25 of the Act in this respect. The applicant also underwent counselling to help her adjust to the emotional trauma of her injury.

The offender was charged with attempted murder, found not guilty by reason of insanity and sent to a mental institution.

The Board found that this application qualified under Section 5 (a) of the Act, the crime of

violence being attempted murder. Compensation was ordered under Section 7 (1) (a) prosthetic devices $824.00; travel for treatment $1,699.75; 7 (1) (b) loss of income $371.20; 7 (1) (d) pain and suffering $7,500.00; and 7 (1) (f) travel expenses to hearing $75.60, legal fees $350.00 and disbursements $405.00 for a total award of $11,225.55.

The Board allowed an extension of the time limit for filing the application.

A Variation of the Order was allowed upon the submission of documentation for additional prosthesis costs of $162.50. The total award to date is $11,388.05.

FILE 922-013760

The applicant, a 19-year-old clerk, was driving to her Kingston home shortly after midnight when she stopped for a red light. An escaped prison inmate, the offender herein, opened the driver's door, threatened the applicant with a knife, and told her to move over to the passenger's seat.

The offender then proceeded to drive to the outskirts of Kingston, and sexually assaulted the applicant. He then drove back to Kingston, where he filled the car up with gas.

The offender forced the applicant to remain in the car while he drove to Ottawa, stopping on the way to sexually assault the applicant again. They arrived in Ottawa around 4:00 a.m., and the offender got out of the car and fled. The applicant drove back to Kingston and told her mother who took her to the police, who in turn drove her to hospital.

At hospital the applicant's physical injuries were diagnosed as minor. However, the emotional trauma caused by the assault was severe. She was discharged shortly thereafter, but she received psychotherapeutic treatment from two psychiatrists.

Medical evidence indicated that the applicant was severely depressed and had great difficulty functioning normally for at least 14 months. The applicant was frightened to drive alone or stay at home by herself. Her relationship with her fiance was strained, and the applicant's parents were forced to move because of her fear the offender would return. She was off work for 15 months.

The offender was apprehended and convicted of robbery, forcible confinement, sexual assault, use of a weapon while committing an indictable offense and escaping custody. He was sentenced to five years consecutive to time being served, one year concurrent, two years consecutive, five years concurrent, two years concurrent and three months concurrent, respectively.

The Board found the application qualified under Section 5 (a) of the Act, the crime of violence being sexual assault, and ordered compensation under: 7 (1) (b) net loss of income $3,190.55; 7 (1) (d) pain and suffering $8,000.00; 7 (1) (f) travel expenses to hearing $133, solicitor's fee and disbursements $1,010.00, for a total award of $12,333.55.

FILE 922-015968

(Heard on documentary evidence.)

This application was brought by the grandfather of the victim, his deceased grandson. The 7-year-old victim was fatally shot in the chest by his father who was distraught over the break up of his ten-year common-law relationship. The victim's father was incapable of dealing with his separation from the family, and as a result killed the victim, his wife, and himself in a van parked on a road outside Elmvale.

The Board found the application qualified under Section 5 (f) of the Act, and ordered compensation under: Section 7 (1) (a) funeral expenses incurred $1,685.00.

FILE 922-012296

(Heard on documentary evidence.)

Although a resident of Regina, Saskatchewan, the incident occurred one evening when the applicant was visiting in Toronto.

The applicant was at an apartment building to visit a friend when she encountered the offender with whom she was acquainted. The offender and the applicant had an argument, with the offender accusing the applicant of stealing the offender's watch. The offender threatened to kill the applicant if he saw her again, and the two then parted company.

Approximately an hour later, the two again encountered each other in the building, and

the offender struck the applicant in the face with an unopened beer bottle.

The applicant was taken to hospital and received approximately 45 sutures for lacerations below her nose, above the inside right eyebrow, the bridge of her nose and above the inside left eye. She also had a broken nose and was admitted to hospital for a ten day period for repair of a corneal laceration to her left eye.

As the applicant was experiencing breathing problems resultant from her broken nose, she eventually underwent a septalplasty (surgery of the septum). The applicant had trouble sleeping for 2-3 months after the incident and has some double vision in the left eye.

The offender was convicted of assault causing bodily harm.

The Board found that the application qualified under Section 5 (a) of the Act and awarded compensation under: Section 7 (1) (d) pain and suffering, $2,500.00.

FILE 922-013530

The applicant, a 16-year-old Toronto student, went to visit a friend with her boyfriend. When they found no one home, they proceeded to walk across a parking lot to return to their car. They came across a group gathered around two men who were arguing. One men threw a beer bottle at the other man, hitting him in the head and causing the bottle to shatter. A piece of the glass hit the applicant in the right eye. It lacerated the lid and ruptured her eyeball.

The applicant was taken to hospital. Unfortunately, the eye could not be saved and a little less than two years later her right eye was removed and a silastic ball was implanted. An artificial eye will be manufactured and implanted at a later date.

The offender was charged with criminal negligence causing bodily harm and found not guilty. The Board found the applicant qualified under Section 5 (a) and awarded 7 (1) (a) travel for treatment, $535.00, corrective lens, $130.00, net hospital expenses, $67.00; 7 (1) (d) pain and suffering, $9,000.00; 7 (1) (f) doctor's report, $75.00; solicitor's fee, $350.00 for a total award of $10,157.00.

FILE 922-015132

One summer afternoon, the applicant, a 30-year-old male Toronto Transit Commission employee, was driving a bus to a subway station in North York. A group composed of an adult female, a teenage female and a child, boarded and were asked to pay the fare. An argument ensued, but the group eventually complied with the driver's request.

Upon arrival at the station, the applicant exited. Upon his return to the bus he was set upon, and apparently hit on the head by a shopping bag containing beer bottles and was knocked unconscious. When the applicant came to, he was lying on the bus platform being kicked, punched and bitten by the same woman, teenager and child. The group was subdued by two other drivers, but were released and fled. They have never been apprehended.

After giving his statement to the police, the applicant, returned home where he lapsed into unconsciousness. He was taken to hospital and treated for a one-inch cut on his forehead, a 1½ inch long scratch below the right eye, numerous bruises over his chest, and back and a human bite mark on the left side of the chest. The applicant attended his family physician the next day complaining of pain in the shoulder, chest, ribs and back area and was advised to rest and take analgesics. The applicant testified that he still experiences some pain in his chest and feels less secure driving buses since the accident.

The applicant was off work for three weeks.

The Board found the application qualified under Section 5 (a) of the Act, the crime of violence being assault bodily harm. Compensation was ordered under Section 7 (1) (b) loss of income $129.68; 7 (1) (d) pain and suffering $1,500.00 and 7 (1) (f) hospital records and travel expenses to hearing $50.00, for a total award of $1,679.68.

FILE 922-011841

(Heard on documentary evidence.)

The applicant, 37-years-old, was at the time of the incident working on an employment project in Parry Sound. He testified that on one evening he had patronized three drinking establishments and had consumed a large quantity of alcohol. While at the final stop, an unknown assailant

approached him and started to fight. The applicant testified that he was thrown to the ground, where his right leg was jumped on by a second assailant.

The applicant did not report the incident to police, and did not attend hospital until 16 hours after the assault. In fact, after the incident, the applicant returned to his home, and after an hour's rest, went with his common-law wife to a hotel for more beers, and dancing.

The applicant went to hospital the day after the incident, and it was found that he had a fracture of the malleolus *(ankle)* and fracturing of the fibula and tibia *(skin)*. The injuries required an open reduction with internal fixation, the leg being placed in a cast for 2 months. The internal fixation was removed in March 1984 and the leg has healed well.

The Board asked the applicant to supply it with the address of an individual who the applicant said would supply an eye-witness account of the incident. The applicant failed to do this.

As the applicant failed to seek immediate medical attention, went out dancing for two hours after the alleged assault, did not report the matter to police, and did not provide the information that the Board requested with regard to the eyewitness, the Board concluded that he had not satisfied the onus of establishing that his injury was a result of a crime of violence. Consequently, no compensation was awarded.

The Board also noted Section 17 (2) of the Act as it relates to the applicant's failure to notify police of the assault.

FILE 922-014962

This application was brought by the mother of the victim, a 14-year-old Mississauga student.

Between 7:00 and 8:00 p.m., while returning from a convenience store one evening, the victim was carrying a bag containing a jug of ammonia which he had purchased for his mother.

The victim encountered two youths, one of whom after enquiring about what was in the bag, grabbed it and removed the jug of ammonia. The youth then sniffed the contents of the jug.

The second youth took the jug and suddenly grabbed the victim by the jacket and poured the ammonia down his neck. The victim swore at the offender who splashed some ammonia in the victim's eyes. The victim fell to the ground screaming and was subsequently taken by a third party to the victim's parent's home.

The victim's father washed out the victim's eyes with water while his mother phoned the police and ambulance which took the victim to the hospital. The diagnosis was chemical conjunctivitis *(inflammation of the membrane that lines the eyelid)*. The eyes were treated, patched and the victim was discharged.

Next day, the victim's eyes were still badly inflamed. Maxidex drops were applied and the inflammation gradually resolved.

The victim is still minimally light sensitive, but time may cure this. The victim received counselling for emotional upset and internal feelings of anger.

The offender was convicted of assault bodily harm and sentenced to four months secure custody, 12 months probation and payment of $133 restitution.

The board found that the application qualified under section 5 (a) of the Act and awarded compensation under: 7 (1) (a) ambulance and counselling $155.00; 7 (1) (d) pain and suffering $800.00 to be paid to the accountant of the Supreme Court of Ontario in trust for the victim until the victim attains the age of majority for a total of $955.00.

FILE 922-016243

(Heard on camera)

The applicant, a 45-year-old executive secretary, was asleep in her Toronto apartment when at approximately 2:00 a.m. the offender cut a hole in the screen of her second floor balcony door and entered the premises. The applicant awoke when the offender entered her room and pulled her from her bed. The offender proceeded to punch the applicant several times in the face, and when she screamed he covered her mouth with his hand. The applicant was terrified of being killed. She was then sexually assaulted by the offender, who later stole $45.00 and fled.

The applicant phoned police who arrived and took her to hospital where she underwent a rape kit procedure. It was also noted that the applicant sustained two black eyes, abrasions to her left

cheek and right elbow, and a small vaginal laceration. In addition, she complained of headaches and extreme anxiety. Anti-biotics were prescribed, her wounds were treated and she was discharged.

Two weeks later, the same offender, as it ultimately proved, broke into the applicant's apartment again at approximately 2:15 a.m. Neighbours heard the sound of breaking glass and phoned the applicant to warn her. The applicant fled her apartment, and the neighbours identified the fleeing offender to police.

The applicant testified that she suffered extreme anxiety after the initial assault, and this was exacerbated by the second break-in. Her family doctor advised her in March 1986 that the offender carried the A.I.D.S. virus. However, after another period of severe anxiety, the applicant was found to be not infected.

The applicant's physical recovery took several months, although the emotional impact lasted for about nine months. The applicant felt compelled to move to a higher floor in her building and was reluctant to take the prescribed tranquilizers for fear of becoming addicted. She is afraid to go to the building laundry room alone and is continually aware of people approaching her from behind.

The offender was convicted of three other charges of sexual assault and sentenced to 18 years in prison and 60 days psychological testing.

The Board found the application qualified under Section 5 (a) of the Act, the crime of violence being sexual assault, and ordered compensation under; 7 (1) (d) pain and suffering $10,000.00.

FILE 922-014768

The applicant, a 48-year-old businessman, was working in one of his Toronto stores when the offender, a 20-year-old woman, entered the shop around 7:20 p.m. The offender approached the applicant at the sales counter and demanded money. When the applicant told her that he did not have any money, she pulled out a revolver and shot the applicant in the right chest before fleeing.

The applicant was taken to hospital by ambulance where he underwent a chest tube laparotomy and surgery to repair a lung perforation and several fractured ribs. He underwent multiple blood transfusions, and was released in about two weeks.

The applicant saw his family doctor bi-weekly for three months and monthly thereafter for pain in his right chest for which was prescribed Tylenol No. 3. A more serious consequence was a reactive depression which pro-longed his recovery and prevented him from working in his stores. The applicant's doctor's report indicated that his disability could reasonably last for one year.

The offender was convicted of robbery and use of a firearm in commission of an indictable offence, and sentenced to four years and one year consecutive.

The Board found the applicant qualified under Section 5(a), the crime of violence being robbery, and ordered compensation under: 7(1) (b) lost wages $10,000.00; 7(1) (d) pain and suffering $5,000.00; 7(1) (f) legal fees and disbursements $535.00 for a total award of $15,535.00.

FILE 922-012144

The applicant was a 31-year-old correctional officer working in the special handling unit at Millhaven Institution in Bath, Ontario.

While preparing to escort the offender, an inmate, to the exercise yard, the offender was handed an envelope by another inmate. The applicant took the envelope in order to check it for contraband, and was then punched several times in the face by the offender. The applicant subdued the offender with the help of one of the two officers who was with him and another officer who came from the end of the range.

The applicant was seen by the medical staff at the Institution and his injuries were listed as a sore left jaw and cheek bone, swollen and cut bottom lip and a headache. Soreness in the jaw area lasted for 3-4 weeks and was trouble-some to the applicant when he ate.

The applicant saw his family physician who, concerned about his emotional reaction to the incident, referred him to a psychiatrist specializing in prison-related problems. The applicant has suffered sleep disturbances and resumed smoking after abstaining for a three year period.

Both doctors found the applicant to be frustrated and linked these frustrations to the applicant's work.

Both doctors recommended that the applicant take time off work to deal with these frustrations. The applicant subsequently took 6 weeks off work.

The offender was convicted of assault under the penitentiary service regulations.

The Board found that the application qualified under Section 5(a) of the Act and awarded compensation under Section 7(1) (d) pain and suffering, $1,200.00; 7(1) (f) travel expenses to Hearing, $126.50 for a total award of $1,326.50.

FILE 922-014960

One afternoon the applicant, a 58-year-old male, was walking to a local grocery store in Hamilton. The offender emerged from a nearby residence and approached the applicant inquiring, "What's your problem?" and then punched the applicant on his left cheek. There was no provocation for the occurrence and the offender was a total stranger to the applicant. The applicant telephoned police at a nearby residence.

The applicant attended his family physician and was treated for bruising and swelling of the left cheek, but no fractures were indicated. It took approximately three weeks before the applicant regained his former state of health.

The offender was charged with assault, but failed to appear at the subsequent criminal proceedings. A bench warrant for his arrest remains outstanding.

The Board found the application qualified under Section 5(a) of the Act, the crime of violence being assault. Compensation was ordered under Sections 7(1) (d) pain and suffering $300.00, and 7(1) (f) travel expenses to hearing $10.00, for a total award of $310.00.

FILE 922-013736

(Heard In Camera.)

The victim herein is a 14-year-old-female living in a small Ontario community. The application was brought on her behalf by her father.

From the age of eight, the victim had worked part-time grooming horses on a local horse farm. After a couple of years, her employer, the offender herein, began to occasionally fondle and kiss the victim. The victim accepted these advances and did not tell anyone of them because the offender made threats of killing her father and brother. When the victim was 14-years-old, the offender had sexual intercourse with the victim for the first time. This continued for six months, when the victim refused his sexual advances and quit her job at the horse farm.

Six months later, the victim complained of back pains and was taken to hospital by her parents. At hospital, the victim was found to be pregnant, and shortly thereafter, gave birth to a full-term, baby girl. This child was adopted privately.

Out of a concern for the public perception of her pregnancy, the victim and her family moved to another community. The victim is now doing extremly well in school, and in her new environment.

The offender was convicted of sexual intercourse with a female between 14 and 16 years of age.

The Board found that the application qualified under Section 5(a) of the Act and awarded compensation under: Section 7(1) (a) lost income, $272.00, 7(1) (d) pain and suffering, $6,000.00; and 7(1) (f) income lost to attend Hearing and travel expenses to Hearing, $212.00; and to the applicant's solicitor, legal fees of $400.00 and disbursements of $134.00. The total award was $7,018.00.

The pain and suffering award to the victim was paid to the Accountant fo the Supreme Court of Ontario to be held in trust for the victim until she reaches the age of majority.

FILE 922-014586

The applicant, a 21-year-old student and part-time employee, was at a crowded bar in Hamilton with two male friends. He was seated at a table drinking beer when about midnight he was pushed from behind by someone in the crowd.

When the applicant stood up and protested to the person who had pushed him, he was immediately punched in the face and received a cut on the arm. A scuffle ensued and the

bouncers at the bar intervened and escorted all the participants outside. Once all the parties were outside the bar, one of the assailants, the offender, began verbally abusing the applicant, then kicked him in the stomach and stabbed him in the left eye. The applicant managed to run around a corner and then fell to the pavement, bleeding profusely. Bouncers from the bar restrained the group until the police arrived.

The applicant was taken to the hospital where it was noted that the left eyeball had been almost cut in half horizontally. The ocular content was extruding while the eye itself filled with blood. Since the eye could not be repaired, it was removed during surgery. Two superficial lacerations on the left upper arm and eyelid were sutured. The applicant was hospitalized for three days, then discharged.

The applicant was fitted with a prosthesis and prescribed medication for pain. He was confined to bed for one week and wore an eyepatch for approximately six weeks after the incident. The applicant testified that he had headaches and was depressed for some time after the assault, but had adjusted well to the loss of his eye.

The offender was convicted of aggravated assault and sentenced to 20 months imprisonment.

The Board found the applicant qualified under Section 5 (a) and awarded 7 (1) (a) drugs, $49.31, prosthesis dev.ce, $600.00, travel for treatment, $88.20, other related expenses, $66.00; 7 (1) (b) loss of income, $200.00; 7 (1) (d) pain and suffering, $8,500.00 and legal fees, $300.00 and disbursements, $315.00 for a total award of $10,118.51.

FILE 922-012435

The applicant, a 60-year-old steel mill foreman in Hamilton, went alone to a hotel bar one evening where he socialized and danced. The applicant became extremely intoxicated and left the hotel in the company of two females.

The following morning, the applicant was found with bloodied face and in a semi-comatose state, lying in a ditch several miles from the hotel. He was taken by ambulance to a Hamilton hospital and treated for head injury with associated left brachial plexus injury *(nerves in the arm)*. The applicant was totally confused and disoriented for two to three months, was bed-ridden during that time and developed cardiac arrythmia *(irregular heartbeat)*. The applicant has no recall of the incident.

Three months later, the applicant was transferred to another Hamilton hospital still suffering from cognitive deficits and memory loss. Two EMG's revealed incomplete lesions in the cervical spine, affecting the left upper extremity. The applicant was discharged from hospital in another two months but continued physiotherapy.

The applicant returned to work the following spring, but was advised by his doctor to quit due to ongoing problems and an overall state of dysfunction. The applicant received full pay up to the time he stopped work, and went on long-term disability until the date that he would have ordinarily retired.

The Board requested information from the applicant's employer pertaining to pensions and benefits during the time the applicant was to be on long-term disability. This amount would be dealt with under Section 25 of the Act.

There were no charges laid for this incident.

The Board found that the application qualified under Section 5 (a) of the Act and awarded compensation under Section 7 (1) (a) travel for treatment, $10.00; 7 (1) (d) pain and suffering, $7,500.00; 7 (1) (f) doctor's reports and travel expenses to attend Hearing $535.00; and legal fees of $500.00 and disbursements of $366.50 for a total award of $8,911.50.

FILE 922-012505

At approximately 1 a.m., the applicant, a 43-year-old Sault Ste. Marie businessman, attended at a restaurant with his brother and two business associates in order to have a late snack. They left the restaurant and were gathered around their cars talking when a group of three men, the offenders, approached and made some derogatory remarks.

There was a verbal exchange between the groups when suddenly one of the offenders slapped the applicant's brother several times in the face. One of the applicant's associates ran to a nearby gas station to phone police as the offenders turned their attention to the applicant who was hit twice in the face and then pushed to the ground from behind. While lying on his back, the applicant was struck repeatedly by one

of the offenders until police arrived and arrested all three offenders.

The applicant was taken by ambulance to hospital where it was noted that he had sustained a concussion and had no recall of the events. In addition the applicant suffered multiple lacerations to the scalp, upper lip, and mouth. Although skull x-rays revealed no fractures, he was kept overnight for observation and then discharged.

Three months later, the applicant began having difficulty with his vision along with numbness in his finger tips. A brain scan revealed a subdural hematoma, and the applicant underwent an operation in which two burr holes were drilled in the right frontal area of the skull to drain the accumulated blood. The operation was successful, and the applicant was discharged without suffering any further complications.

One offender was convicted of assault bodily harm and given 90 days. The second offender was convicted of common assault and fined $50 while the charges against the third offender were dismissed.

The Board found the application qualified under Section 5 (a) of the Act and ordered compensation under; 7 (1) (d) pain and suffering $5,000. 7 (1) (f) doctors reports $478.75; solicitors fees $250.00, for a total award of $5,728.75.

FILE 922-010937

The applicant, a 55-year-old female garment worker, was descending the stairway into a subway station one day in downtown Toronto.

The applicant was holding onto the stair rail with one hand and her 11-year-old granddaughter with the other. As they neared the bottom of the crowded stairway, the applicant heard a male voice from behind her demand "get out of the way" followed by profanity. Before the applicant could respond, she was shoved from behind and fell down two or three steps. The applicant disappeared into the crowd before the applicant or her granddaughter could identify him.

The applicant was taken by ambulance to the hospital and it was noted that she had sustained contusions to the forehead, left leg and right knee, tenderness in the neck and pelvic areas. X-rays failed to reveal any fractures or neurological defects, and she was discharged with a tensor bandage to her knee and advised to rest.

The applicant visited her physician weekly for a month, complaining of discomfort and swelling in the affected areas and dizziness. The applicant testified she had headaches and dizzy spells for two to three months after the incident which prevented her from returning to work immediately. The Board accepted an initial four-week disability period. The applicant was advised of Section 25 of the Act, if evidence confirming a further period of disability could be provided.

The Board found the application qualified under Section 5 (a) of the Act, the crime of violence being assault. Compensation was awarded under Section 7 (1) (d) pain and suffering $800.00; and 7 (1) (f) doctors; reports $75.00, interpreters fees $50.00, legal fees $225.00 and disburse-ments $40.00, for a total award of $1,928.00.

FILE 922-012991

The applicant, a 42-year-old supply teacher, and another man, the offender herein, were individually patronizing a supermarket in Agincourt.

The offender had apparently been upset at the applicant's "butting in" at the line ups in the store, and verbalized his displeasure to the applicant. Each person claimed that the other exited the store first and waited outside for the other. Regardless, a brief altercation ensued outside the store, although various witness reports have caused confusion with regard to the events which subsequently occurred.

It is clear that the applicant departed, and while walking across the parking lot, the offender took a swing at him. When the applicant raised his arms to protect himself, he knocked his own glasses off. The offender intentionally stepped on them, and kicked at the applicant. The applicant fell to the ground hitting his head on the pavement and was knocked unconscious. Employees of the supermarket called police and an ambulance, and the offender was arrested at the scene.

Upon examination at the hospital, the applicant was found to have a comminuted fracture of the upper parietal bone *(skull)* with slight separation of the fracture. He was transferred to another hospital and craniocerebral trauma was diagnosed, as was a large hematoma. Emergency

surgery was performed, the applicant being discharged three weeks later.

The applicant testified that he still suffers severe headaches, tires easily, has a less retentive memory, loses his temper more easily, and is less friendly and comfortable with other people.

A clinical psychologist's report notes that the applicant suffers from cognitive defects and personality changes, both attributable to brain injuries suffered. Referral to a psychiatrist was recommended.

The offender had a charge of aggravated assault, which was dismissed at trial.

The Board found that the applicant qualified under Section 5 (a) of the Act and awarded compensation under Section 7 (1) (a) ambulance, glasses, $91.95; 7 (1) (b) lost income, $2,015.52; 7 (1) (d) pain and suffering, $5,000.00; and 7 (1) (f) legal fees of $200.00 and disbursements of $280.00. The total award was $7,587.47.

FILE 922-013057

(Held in camera)

The applicant is the mother of the 17-year-old victim who was sexually abused over a two-year period by her step-father, the offender. During this time, the offender continually threatened the minor with injury or death to herself and the rest of the family if she told anyone about the abuse.

Once the applicant was told of the sexual abuse, she immediately took her children from the family home to a women's shelter. Later, she moved the family to a new apartment. A month after the abuse was revealed, the offender broke into their new home. When the victim arrived home the offender grabbed her, forced her to undress and to perform a sexual act upon him. The offender tied and gagged the victim and her younger brother. The children remained tied up until the applicant returned home.

The offender remained at large for over a year during which time he repeatedly phoned the family threatening to kill them. They lived in constant fear until the offender was finally apprehended fourteen months later, and subsequently sentenced to four years imprisonment.

According to a social worker's report, the effect of these events upon the victim has been profound. The fear that sooner or later the offender will "get" them continues to govern much of the victim's life. She remains suspicious and anxious about being left alone. The abuse also retarded her normal sexual growth as well as that of her social skills. Her perception of normal male/female relationships has been distorted. The longterm effects cannot be predicted with certainty.

The Board found the applicant qualified under Section 5 (a), the crime of violence being sexual assault, and ordered compensation under Section 7 (1) (d) pain and suffering $7,500.00 payable to the victim on the date when she becomes 18 years of age.

FILE 922-014780

At the time of the occurrence, the applicant was a 39-year-old psychiatric nurse in Brockville.

The applicant's husband, the victim herein, a 40-year-old truck driver, drank several ounces of poisonous methanol at a party. The methanol drink was presented to him mixed with coke or orange juice. The applicant's husband left the party around midnight and returned home. He went to work the next day but became sick to his stomach in the late afternoon. The victim was intermittently sick for the duration of the night, and the applicant decided to call an ambulance at 5:30 a.m. The victim was taken to hospital, but died shortly after 6:00 a.m. due to the ingestion of the lethal dose of methyl alcohol.

The alleged offender who provided the methanol drink was convicted of criminal negligence and given a suspended sentence and one year probation.

The applicant was found compensable under Section 5 (a) of the Act, the crime of violence being criminal negligence causing death and was awarded under: 7 (1) (a) funeral expenses $2,200.00, babysitting expenses $990.00, other expenses $311.38; 7 (1) (c) applicant's net loss of income $2,670.00; 7 (1) (f) travel expenses $173.00 and legal fees $400.00; for a total award of $6,744.38.

The Board notes that the applicant has commenced proceedings in the Supreme Court of Ontario against various parties in relation to the death of her husband. Accordingly, the applicant was advised of the provisions of Section 26 (2) of the Act with regard to subrogation.

FILE 922-011096

The applicant is a 42-year-old, unemployed resident of Toronto. He brought the application on behalf of himself and his three minor children.

The victim, now deceased, was the wife of the applicant and mother of the three children. She was sexually assaulted and murdered by a stranger she had met in a tavern.

The applicant was the sole executor of the victim's estate, which received certain liquid assets and proceeds of insurance policies. In addition, the applicants received benefits under the Canada Pension Plan as a result of the victim's death. The victim had been the main support of the family.

The offender was convicted of murder.

The Board found that the application qualified under Section 5 (a) of the Act and awarded compensation under: Section 7 (1) (a) funeral expenses, food and lodging, $4,523.00, 7 (1) (c) loss of dependency on income, $11,770.00; and 22, legal fees, to the applicant's solicitor, $500.00. The total award was $16,793.00.

The funeral expenses were paid to the estate of the victim, the food and lodging award was paid to friends of the victim's family who had cared for the children after the death, and the award to the youngest child was paid to the Public Trustee and consisted of a lump sum for the time up to the hearing date, and monthly payments of $110.00 until the child attains the age of majority.

FILE 922-014383

(Held in camera).

This application was brought on behalf of the victim by her mother. From the time the victim, a Thornhill student, was ten-and-a-half years old she was sexually assaulted by a male neighbour numerous times over a twenty-month period. The victim's older sister (FILE: 922-015072) was also a victim of similar assaults by the same offender, although she was unaware of the fact.

Following the arrest of the offender, the victim underwent extensive psychiatric counselling that involved individual and family sessions, visits to a summer camp, and a family trip to Mexico. Professional reports indicated that the victim's academic performance deteriorated and was marked by "confusion". In addition, it was noted that the victim was emotionally traumatized by the sexual abuse and will continue at periods of her life to require therapeutic input to help her resolve some of the consequences.

The offender pleaded guilty to one count of sexual assault and one count of sexual intercourse with a female between the ages of fourteen and sixteen, and was sentenced to three months and two years probation.

The Board found the applicant qualified under Section 5 (a) and ordered $10,000.00 pain and suffering 7 (1) (d) to be paid to the Accountant of the Supreme Court of Ontario to be held in trust for the victim pursuant to Section 36 (6) of The Trustee Act, until the victim attains the age of eighteen.

FILE 922-014380

This application was brought by the mother of the victim who was a 4-month old infant on the date of the incident.

The applicant left her London home to do some errands while her common-law husband, the offender herein, watched the victim. A short time later the applicant returned home to find that the offender had assaulted the infant.

The applicant took the victim to hospital where it was noted that he had sustained a fractured skull, intra-cerebral hematoma, and temporary cortical blindness. The victim also developed seizures which are managed by drugs.

Medical reports state that it is too early to tell whether the residual neurological findings are indicative of permanent injury or not. At the date of the hearing the victim was making an excellent physical recovery but an accurate brain damage assessment will not be possible until after the infant enrolls in school. For this reason the Board decided to wait for a full medical assessment before setting an amount for pain and suffering.

The offender was convicted of aggravated assault and sentenced to two years with a recommendation for psychiatric treatment.

The Board ordered solicitor's fee, $400.00, and disbursements, $391.15.

FILE 922-015200

At the time of the incident, the applicant was a 28-year-old sales representative for a furniture company in Toronto.

The applicant was driving a car, and following a Toronto Transit Commission vehicle. The two vehicles came to an intersection beyond which, traffic, travelling in the direction the two vehicles were going, was closed to all but T.T.C. vehicles. The traffic was being directed by a security guard, the offender herein. Not realizing that he was unable to proceed, the applicant started into the intersection, but stopped when the offender jumped in front of his car and told him to stop. Another security guard stood behind the applicant's car and made it impossible for the applicant to back up and leave the scene.

A verbal argument between the applicant and the offender resulted in the offender walking to the applicant's side of the car and slapping the applicant in the face. The applicant exited his car and a punching match ensued. Police were called, and the applicant was taken to hospital by ambulance as he had sustained an eye injury.

The injuries were swelling and bruising in the right upper and lower lids, a laceration just under the lower right lid, and a fracture of the right orbital floor (cheekbone). Minor surgery was performed on the eyelid two days after the assault, and the fracture was repaired.

According to an August 1982 medical report, the applicant suffers diplopia (double vision), headaches, and glare and irritation from light. As well, he experiences numbness in his right cheek, sensitivity in his teeth and gums, and his right eye is sunken 2 mm. more than the left eye. Medical reports indicate that these symptoms are permanent.

The Board advised the applicant of Section 25 of the Act with regard to any claim for lost income.

The offender was convicted of assault.

The Board found that the application qualified under Section 5 (a) of the Act and awarded compensation under Section 7 (1) (d) pain and suffering, $6,000.00.

FILE 922-014710

The applicant is a 40-year-old restaurant manager residing in Toronto.

One afternoon, the applicant and two other family members were stepping off a public transit bus when another passenger, the offender, grabbed him from behind. The two engaged in a brief struggle during which the offender pulled a knife and stabbed the applicant. The offender then fled the scene. No motive was ever established.

The applicant was taken to hospital by ambulance and treated for stab wounds to his upper central forehead and the base of his left palm.

Two weeks later, the applicant saw his doctor and complained of numbness and tingling in the fingers of his left hand. At that time it was determined that the applicant should undergo surgery which was subsequently performed.

Medical reports indicate that the applicant is left with some scarring and some permanent sensory and motor dysfunction in his left hand.

It should be noted that the applicant had sustained nerve damage in his right hand due to an accident that occurred in 1980.

The applicant made a claim for loss of investment in that he was forced to give up his option to buy a restaurant. However, the Board determined that prior to the assault, the applicant had not met the provisions of his contract, having failed to attain the profit margin requirements set out therein, and therefore it denied this claim. The Board advised the applicant of Section 25 of the Act with respect to income lost.

The offender was never apprehended.

The Board found that the application qualified under Section 5 (a) of the Act and awarded compensation under Section 7 (1) (a) travel for treatment, $75.00; 7 (1) (d) pain and suffering, $6,000.00, and 7 (1) (f) hospital records, $40.00, and to the applicant's solicitor, legal fees of $250.00 and disbursements of $215.00 for a total award of $6,580.00.

FILE 922-014204

(Held in camera.)

At about 5:00 p.m. on a June afternoon, the twelve-year-old victim was at a neighbour's home playing with their children. The neighbour, the offender, sent his own children outside and kept the victim in the house. He then took the victim to a bathroom and sexually assaulted her.

The applicant, the victim's mother, arrived at the neighbour's home to pick up her child. When the offender became aware of this, he told the victim to say nothing or he would go to jail. The applicant who was looking for the victim saw her emerge, with the offender, from bathroom. When the victim went right to the applicant's waiting car, the applicant realized that she was upset about something. She asked her what was wrong and the victim told her everything that had happened. The applicant took the victim home, bathed her, and took her to a North Bay hospital the next morning. Hospital staff telephoned police who later arrested the offender. There was evidence that the offender had been drinking.

The victim suffered nightmares for several months and has undergone individual and group therapy to help her deal with the incident. She is now getting along quite well.

The offender was sentenced to 16 months plus two years probation.

The Board found that the applicant qualified under Section 5 (a) and ordered $8,000.00 to be paid to the Accountant of the Supreme Court of Ontario under Section 36 (6) of The Trustee Act to the credit of the victim and to be held in trust until she reach the age of eighteen. It also awarded 7 (1) (a) travel for treatment $220.00; 7 (1) (f) travel expenses to Hearing, $52.00, legal fees of $350.00 and disbursements of $69.00 for a total award of $8,691.00.

FILE 922-013202

The applicant is a 32-year-old disability pensioner living in Thunder Bay.

In the early morning hours, the applicant and his girlfriend were asleep in his apartment when someone knocked at the door. The applicant admitted the alleged offender and two other men, and all five then sat and drank.

Subsequently, the alleged offender and one man departed, the second man passed out on a sofa, and the applicant and his girlfriend returned to bed. Shortly thereafter, they were awakened by sounds of the apartment door being kicked in. The applicant entered the living room and, according to the testimony of his girlfriend, engaged in an argument with the alleged offender, who was brandishing two knives. The alleged offender then stabbed the applicant, went to the kitchen to clean the knife, called an ambulance and fled. The applicant's girlfriend called for police.

The applicant was taken to hospital and treated for an abdominal stab wound and a perforated bowel. Subsequent to surgery, the applicant developed an infection and suffered a collapsed right lung, both of which were appropriately treated. The abdominal wound re-opened and had to be repaired. The applicant was discharged from hospital in three weeks. The applicant was left with a long surgical scar on his right abdomen.

The alleged offender was charged with aggravated assault. However, the applicant's girlfriend, the lone witness, did not appear at trial and the judge dismissed the charge.

The Board found that the application qualified under Section 5 (a) of the Act and awarded compensation under Section 7 (1) (d) pain and suffering, $2,000.00 and, 7 (1) (f), to the applicant's solicitor, legal fees of $300.00 and disbursements of $257.56, making the total award $2,557.56.

FILE: 922-011515

At the time of the incident, the applicant was a 47-year-old hairdresser in Toronto.

The applicant met a young woman, the offender herein, in a bar and drove her to a motel where he registered under a false name and gave a fake license plate number. The applicant testi-fied that during the course of the evening, he and the offender got into an argument, where-upon he was stabbed in the neck and robbed by the offender who subsequently fled from the scene.

The applicant was transported by police to the hospital where he was treated for a soft tissue injury to the back of his neck and was released

the next day. Eight sutures were required to close the stab wound.

Several months after the assault, the applicant developed discomfort in his neck and numbness in his chest and left shoulder. After examination, the doctor opined that these problems were due to post-traumatic neurosis. As a result of the shoulder pain, and an inability to raise his arm for longer periods of time, the applicant can no longer work as a hairdresser and has gone on welfare.

During the police investigation, the applicant told his wife a completely different story from what he had told police. The applicant and his wife both refused to give police their fingerprints, and thus the police were unable, by process of elimination, to determine which set of fingerprints in the applicant's car, belonged to the offender. Consequently, the investigation was unsuccessful.

The applicant and his wife divorced in 1984.

The Board cited Sections 17 (1) and 17 (2) of the Act and declined to award compensation.

FILE 922-014945

The victim, a 17-year-old female, was stabbed to death in Hamilton by her estranged common-law husband. The offender was the father of a three-month old son born to the victim.

The applicant is the mother of the victim and has cared for the child since the time of his mother's death. The applicant had interim custody of the child at the time of the hearing and the courts have yet to decide on permanent custody.

The offender was convicted of manslaughter.

The Board found that the application qualified under Section 5 (a) of the Act and awarded compensation under: Section 7 (1) (a) funeral expenses, $2,500.00 7 (1) (b) periodic payments for maintenance of the child, $2,880.00 and 7 (1) (f) to the applicant's solicitor, legal fees of $300.00 and disbursements of $35.00. The total award was $5,715.00.

The periodic payments are in the form of monthly instalments of $160.00 until the child attains the age of majority *(April 10, 2003)* or until he is adopted.

FILE 922-015072

(Held in camera).

The application was brought by the mother of the 13-year-old female victim. The victim and her 11-year-old sister (#922-014383) had developed a close relationship with a couple with two young children who lived next door to the applicant in Thornhill. The victim babysat for the couple and spent much of her spare time at their house visiting with them and their children.

After approximately a year-and-a-half of various incidents of sexual assault, the victim revealed these assaults by the husband next door, the offender. It was also revealed that the offender's twin brother had sexually assaulted the victim as well. The offender had also assaulted the victim's younger sister and when her younger sister revealed those incidents to her parents, the victim could no longer keep the incidents in which she had been involved to herself.

The victim underwent severe emotional trauma and has needed to see social workers and medical doctors in her attempts to deal with these assaults. She continues to have psychological problems and documentation presented indicates that long-term treatment will be necessary.

The offender was sentenced to three months, put on probation for two years and ordered to leave the vicinity. The other offender was placed under a peace bond.

The Board found that the applicant qualified under Section 5 (a) and awarded compensation under 7 (1) (a) expenses, $1,055.00. The victim was awarded $10,000.00 under Section 7 (1) (d) pain and suffering. The Board also awarded legal fees of $600.00 and disbursements of $720.00 for a total award of $12,380.00.

FILE 922-010724

The applicant was a 52-year-old male who lives and works in Oshawa, and operates a summer business with his wife in Callander. While driving with his wife on Highway #11 on a spring day, the applicant caught up to a slow moving vehicle which sped up when the applicant attempted to pass.

The applicant managed to pass the vehicle, but the vehicle then stayed very close behind the applicant's car and flashed its high beams off

and on. Apprehensive, the applicant pulled into a road side restaurant outside of which he saw a police car parked. The applicant got out of his vehicle, but was attacked by the offender, the driver of the vehicle he had just passed. The applicant was struck in the face, fell, and was then kicked. The offender was arrested by police on the spot.

The applicant and his wife went to a hospital where he received three sutures around his left eye. He also suffered a bruised right upper arm and a hematoma *(concentration of blood)* just above his right elbow which caused decreased strength and considerable pain in the right arm. Three months later, the applicant complained of numbness in his right arm and received cortisone injections after seeing specialists because of the pain. Three months later still he had median nerve decompression surgery on his right arm. The applicant testified that he still experienced pain and discomfort and his family doctor wrote that these problems will not likely disappear entirely.

The applicant missed time at work and was forced to hire someone to do the work at his summer business, which he would ordinarily have done himself.

The offender was convicted of assault causing bodily harm.

The Board has recommended investigating the possibility of recovery pursuant to Section 26 (2).

The Board found that the applicant qualified under Section 5 (a) and awarded 7 (1) (a) travel for treatment and expenses not covered by OHIP, $125.00; 7 (1) (b) lost income, $2,652.00; 7 (a) (d) pain and suffering, $5,000.00; and 7 (1) (f) hired help and travel expenses to Hearing, $3,563.00, legal fees of $600.00 and disbursements of $218.00 for a total award of $12,158.00.

FILE 922-014546

At approximately 8:30 p.m. one early summer evening, the applicant, a 39-year-old order clerk was in her Caledon home with her 13 year-old-son when she heard both a strange noise and her son yelling. She left her bedroom to investigate, and was confronted by her daughter's ex-boyfriend. The offender cornered the applicant in the hall, threatened to kill her, and began stabbing her with a pocket knife. The applicant fled into into a bathroom where she managed to evade the offender, but shortly thereafter she ventured back to her bedroom in order to call police. The offender reappeared and cut the telephone wires before leaving the house. Neighbours, alerted by the applicant's son, escorted the applicant out of the house and called an ambulance.

At hospital it was noted that the applicant had sustained multiple lacerations to the scalp, neck, and left shoulder which were sutured. In addition, she suffered two deep stab wounds to her neck and back which caused her lungs to collapse. A chest tube was inserted, the lungs were reexpanded, the wounds were sutured and she was discharged eight days later.

The applicant was prescribed analgesics and sedatives and eventually returned to work two months after the occurrence. However, she complained of pain and numbness in her left shoulder and had difficulty carrying heavy objects. More significant were the applicant's psychological injuries resulting from the trauma. She underwent extensive psychiatric counselling in an attempt to deal with the post traumatic stress incurred as a result of the assault. Medical evidence indicates that the year following the assault was very difficult for the family. The family home had to be re-decorated, and at the date of the Hearing the applicant and her husband had decided to sell the house.

The offender was convicted of attempted murder and sentenced to five years in prison.

The Board found the applicant qualified under Section 5 (a) and awarded 7 (1) (a) home nursing $500.00, net hospital expenses $250.00, hotel $128.00, drugs $70.00; 7 (1) (b) loss of income $413.01; 7 (1) (d) pain and suffering $10,000.00; 7 (1) (f) psychiatric counselling $1,194.00, travel expenses to Hearing $28.00, legal fees and disbursements $1,115.00 for a total award of $13,698.99.

FILE 922-015210

The applicant, a 43-year-old dress shop owner, was working in her store in Toronto. The applicant observed a female shoplifter in action, and confronted her with an accusation. When the applicant informed the shoplifter that the police had been called, she was suddenly hit with a fist on the back of the neck by the shoplifter's male accomplice.

The male accomplice fled the scene, while the

offender proceeded to punch and kick the applicant in the face and body, hit her with a ceramic vase, banged the applicant's head against a wall and attempted to strangle her. The applicant's screams alerted neighbours who came to her assistance and detained the offender until the police arrived.

The applicant was treated for lacerations on both ear lobes, bruising on the neck, chest, back and right arm, a strained left wrist and thumb, trauma of the bladder resulting in incontinence and burning on urination, and trauma of the left eye causing flashes of light. The applicant's physical injuries resolved, and she returned to work full-time one month after the incident.

The applicant testified that she still suffers from bladder incontinence, muscle tension in the neck and nervousness. She continues to take medication for her bladder, nerves and to sleep.

The offender was convicted of assault and sentenced to four months imprisonment.

The Board found the application qualified under Section 5 (a) of the Act and ordered compensation under Sections 7 (1) (a) new eyeglasses $175.00; 7 (1) (b) loss of income $664.83; 7 (1) (d) $4,000.00; and 7 (1) (f) legal fees $100.00, for a total award of $4,939.83.

FILE 922-012734

One summer evening, the applicant, a 38-year-old tire repairman, was walking home from a local store in Windsor. As he proceeded through an alleyway, two men suddenly appeared and asked the applicant for a cigarette. The applicant complied with the request, but became nervous when the men began questioning him, and he started to run away.

As he did so, one of the men, the offender, chased after the applicant, stabbed him in the right side and attempted to trip him. The applicant managed to make his way out of the alley and asked several passersby on the street for assistance. The offenders fled the scene and the passersby summoned the police and ambulance.

The applicant was taken to the hospital, where it was noted he had a two-inch long stab wound in the right lower quadrant of the abdomen. The wound appeared to be deep so an exploratory laparotomy was performed. The surgery revealed multiple lacerations of the small bowel, cecum and intestine which were sutured, and the small bowel resectioned. The applicant remained in intensive care for three days and was discharged from hospital in two weeks, returning to work two months later.

The applicant attended a physician for a post-operative examination complaining of diarrhea which was treated with medication. He continues to suffer with this problem and still requires medical management. In addition, a stitch abscess in the abdominal incision was discovered, and the stitch was subsequently removed. The applicant testified that he still experiences pain in the area of the wound which limits his activities, particularly in lifting. A medical report also suggested the possibility of further surgical revision if bowel adhesions developed, and the Board advised the applicant of Section 25 of the Act.

The offender was convicted of aggravated assault and robbery and sentenced to 15 months reformatory plus 18 months probation.

The Board found the application qualified under Section 5 (a) of the Act, the crime of violence being assault. Compensation was ordered under Sections 7 (1) (b) loss of income $2,000.00; 7 (1) (d) pain and suffering $5,000.00 and 7 (1) (f) legal fees $250.00 and disbursements $382.00, for a total award of $7,682.00.

FILE 922-013400

The applicant was a 27-year-old pastoral student residing in Kitchener.

One summer evening, the applicant was walking through a park when three men jumped him and attempted to rob him. They punched and kicked him in the face, body and left arm, and fled.

The applicant was taken to hospital and treated for minor bruising and a severe fracture of his left elbow. The fracture required three operations of open reduction surgery with an internal fixation. Unfortunately, the break was so severe that a solid union of the bones was not obtained, and the arm is seriously disabled resulting in limitation of movement and constant pain. The applicant has some weakness in his left hand and numbness in the 4th and 5th fingers of his left hand.

The applicant also suffered emotional trauma, anxiety, depression, insomnia, digestive problems and a hiatus hernia. Three months of counselling was required for the depression and anxiety, which are both expected to continue for some time. The applicant requires medication for depression, insomnia and the hiatus hernia.

No offenders have been apprehended.

The Board found that the application qualified under Section 5 (a) of the Act and awarded compensation under: Section 7 (1) (a) ambulance, $22.00; 7 (1) (d) pain and suffering, $7,500.00, and 7 (1) (f) travel expenses to Hearing $81.90 and to the applicant's solicitor, legal fees of $300.00 and disbursements of $518.70. The total award was $8,122.60.

FILE 922-014342

The applicant is a 51-year-old male, residing in Kenora.

At approximately 10:30 p.m., the applicant was sitting in the bar of a local hotel. The female offender approached him and told him to buy her a beer. The applicant refused, whereupon the offender punched the applicant in the mouth causing his bottom denture to displace. The denture fell to the floor and broke in three places.

The applicant left the bar and went to a police station to report the assault. Police arrested the offender.

The applicant did not seek medical attention, but did require new dentures.

The offender was convicted of assault bodily harm.

The Board found that the application qualified under Section 5 (a) of the Act and awarded compensation under: Section 7 (1) (a) dentures, travel for treatment, meals, $285.92, 7 (1) (b) lost income, $41.28, 7 (1) (d) pain and suffering, $300.00, and 7 (1) (f) to the applicant's solicitor, legal fees of $250.00 and disbursements of $1.00, making the total award of $878.20.

FILE 922-015639

(Held in camera.)

With the applicant's consent, this application was considered solely on the basis of the documentation filed.

The applicant was an 18-year-old waitress from British Columbia who, at the time of the incident, was residing with her aunt in Scarborough.

Early one evening in January, the applicant was returning to Toronto by bus after having visited a friend in Barrie. While on the bus, the applicant struck up a conversation with a male passenger, the offender herein. He pretended to be unfamiliar with Toronto and asked the applicant to show him around parts of it. After seeing some areas, the offender asked the applicant if she knew of any hotels, as he planned on staying in Toronto for the evening. The applicant took the offender to a Queen Street west hotel and accompanied him to his room under the impression that he would drop off his lugg-age and then escort her to a subway station.

Once in the room, the offender pulled a knife and threatened to kill the applicant if she did not do all that she was told. During the night and the next morning, the applicant was subjected to a variety of sex acts and at one time was choked severely by the offender. The applicant complied with these demands as she feared for her life.

At 6:00 a.m. after convincing the offender that her aunt would be worried about her, the applicant was able to return to her aunt's home. There she contacted police. The police took the applicant to hospital where she was treated for bruising to her breasts and neck area. The sexual assault was confirmed by internal examination. The applicant was very tense and underwent considerable emotional trauma when being examined, and even today has difficulty communicating with males. She immediately returned to her parents' home in British Columbia.

The offender was convicted of sexual assault though three other charges were dismissed.

As the applicant did not submit documentation for lost income and flight expenses, the Board cited Section 25 and noted that compensation could be considered if proper documentation was provided.

The Board found the applicant qualified under Section 5 (a) and awarded compensation under Section 7 (1) (d) pain and suffering, $7,500.00.

FILE 922-015431

The application was brought by the mother of the victim, then a 14-year-old student and part-time paperboy.

At approximately 6:30 a.m., the victim was delivering newspapers in an apartment building in London. He saw the offender, a 27-year-old carrier from another newspaper whom the victim had met previously, and subsequently, the offender joined the victim while he was finishing his route. As they proceeded along the basement hallway, the victim was attacked from behind by the offender, who attempted to strangle the victim with the cord of the newspaper bundles.

The assault was interrupted by the arrival of a tenant, causing the offender to flee. The tenant rushed the victim to hospital.

At hospital, the victim was noted as having petichiae *(purple hemorrhagic spots)* from the neck to the top of the head. Linear abrasions appeared on the neck and middle finger of the right hand. He also had significant bilateral hemorrhages in the membrance of both eyes, although no retinal damage or visual impairment was evident. The victim was kept overnight in the hospital for observation and released home due to his anxieties. The victim and his mother made several visits to a psychologist to deal with the traumatic nature of the assault.

The victim testified that his neck and facial injuries resolved after two weeks and the ocular hemorrhages disappeared one month after the incident. He was absent from school for two weeks and felt too nervous to return to his paper route until seven months later. The applicant was also absent from her employment for 1½ weeks due to the need to care for the victim during his recuperation. The Board deemed the victim and applicant compensable for their lost income over these periods of time.

The offender was convicted of attempt murder and sentenced to 10 years imprisonment.

The Board found the application qualified under Section 5 (a) of the Act and awarded compensation under: Sections 7 (1) (b) victim's loss of income $959.11; 7 (1) (d) pain and suffering $7,000.00 and 7 (1) (f) legal fees $350.00 and the applicant's loss of income $354.90, for a total award of $8,664.01. The Board ordered the sum of $7,000.00 to be held in trust by the Accountant of the Supreme Court of Ontario until the victim attains his majority.

FILE 922-014219

(Heard in camera.)

The applicant is the sister of the deceased victim, who was separated from her husband, and had their two sons living with her in London. The victim's boyfriend was charged with the murder, which involved both stabbing and shooting of the victim on January 6, 1985.

The applicant's mother paid $300.00 of the $2,630.60 for funeral expenses and the remainder was still owed to the funeral home.

The father of the two children, aged four and seven, had little to do with them in the time between the separation of the parents and the murder, and consequently, the applicant legally adopted the two children. The father still provides some financial support for the children.

The Board found that the legal fee for the adoptions was a reasonable expense incurred as a result of the victim's death, and that the application qualified under Section 5 (a) of the Act and awarded compensation under Section 7 (1) (a) adoption expense and funeral expenses, $3,170.12.

FILE 922-012189

The applicant, a 24-year-old male, was staying with his sister at their parent's home while their parents were on vacation. The applicant had been told that his sister's boyfriend, the offender, was not to be allowed entry.

However, at 8:10 p.m. one summer evening, the offender presented himself at the front door. When the applicant told him he was not welcome, the offender took exception and pushed the applicant to the floor and proceeded to break a vase over the applicant's head. The applicant lost consciousness, and his sister phoned police.

The applicant was taken to hospital by ambulance. There, it was noted that he had sustained a depressed fracture of the left frontal area of the skull, numbness in his right hand, and had four teeth knocked out. He was

discharged a week later after being prescribed medication to prevent seizures.

The applicant was readmitted to hospital the following month complaining of hemorrhoids and a rash. He underwent numerous tests until it was discovered that he was allergic to his medication. A different drug was prescribed, and the applicant was discharged a week later. Subsequent medical examinations revealed that the applicant had slight facial palsy, numbness in the second and third right fingers, slurred speech, and difficulty expressing thoughts. Two months later, the applicant was given a certificate of impairment to entitle him to welfare assistance.

The Board found the applicant qualified under Section 5 (a) and awarded compensation under 7 (1) (a) expenses, $276.60; 7 (1) (d) pain and suffering, $9,000.00; 7 (1) (f) legal fees and expenses, $525.40 for an award of $9,802.00.

As anticipated in the original Order, a Variation Order under Section 25 six months later authorized dental expenses of $150.00 and future dental payments of up to $6,000.00 for a total award of $15,952.00.

FILE 922-011679

The 36-year-old applicant was a self-employed composer, performer, and designer of musical instruments.

About 9:45 p.m. one July evening he was strolling along the beach, as was his usual habit near his home when he came upon a group of youths sitting by a bonfire and drinking. One youth invited the applicant to join the party and he accepted the offer. Suddenly and for no apparent reason, one of the youths punched the applicant in the neck. He attempted to escape but was caught, kicked and punched by four of the youths. He was able to break free, but was chased, caught and beaten again.

In all, three separate chases and beatings occurred during which the applicant was robbed of his wallet and wrist watch. Neighbourhood residents finally came to his aid, telephoned police, and were able to restrain three of the four offenders until police arrived.

The applicant was taken to hospital and treated for laceration to his lips and extensive dental damage. The extraction of one upper middle tooth and subsequent bridge work was required.

Two offenders received sentences after being found guilty of assault, one 60 days, the other four months. Another received 14 days for possession of stolen property. The fourth alleged offender received an absolute discharge on assault and robbery charges.

Prior to the Hearing, by virtue of Section 14, the Board awarded $3,337.00 for emergency dental treatment.

The Board found that the applicant qualified under Section 5 (a) and awarded 7 (1) (a) dental expenses, drugs, x-rays, doctor's bills, $844.90; 7 (1) (d) pain and suffering, $4,000.00; and 7 (1) (f) doctor's reports, $20.00. In addition, the Board ordered the payment of $3,200.00 for dental expenses and $300.00 for legal fees for a total award at this Hearing of $8,364.90.

FILE 922-015499

On Christmas Eve, the applicant, a 49-year-old hotel owner in Cambridge, was working in the hotel bar when she was obliged to ask a belligerent customer to leave at 1:30 a.m. as the bar was closed. The applicant had had problems with the same customer a few days earlier for the same reason, and this time she decided to escort him to the door.

As they approached the door the offender became verbally abusive and threw the applicant to the floor where he proceeded to kick her about the abdomen, ribs and shoulders. The applicant's screams brought her husband out from the back of the hotel, and they managed to subdue the offender until police arrived and arrested him.

The applicant, who was recovering from a stroke, did not seek medical attention because of the holiday season. However, by the following March, the pain and the limited movement in her left shoulder encouraged her to get medical treatment. She was then put on a course of physiotherapy and steroid injections for what was diagnosed as a "frozen shoulder". By the following January her range of shoulder movement had improved, but the medical reports indicate that physiotherapy, muscle relaxants, and analgesics were not really of substantial benefit to the applicant.

The prognosis suggests that the applicant's shoulder will continue to cause her pain and limit her mobility. Her left rotator cuff may undergo some degeneration and though a surgical procedure with a 95% success rate is a possibility, the applicant is a diabetic and could experience serious side-effects. At the date of the Hearing, the applicant testified that she still experiences pain in her shoulder and her work and sports activities have been curtailed.

The offender was convicted of common assault and received a conditional discharge and six months probation.

The Board found the applicant qualified under Section 5 (a) and awarded 7 (1) (a) drugs, $372.86, travel for treatment, $1,679.00, parking, $41.50; 7 (1) (d) pain and suffering, $11,500.00; 7 (1) (f) travel expenses to the Hearing, $48.50, legal fees and disbursements, $695.75 for a total award of $14,307.61.

FILE 922-015662

The applicant was a self-employed salesman of educational books who was returning to his car after having patronized a fast food establishment.

While walking past a club from which party goers were leaving, the applicant was approached by a well-dressed man who asked the applicant for a cigarette. Not having any, the applicant advised the man of the location of an all night drugstore. A second man, who appeared to be an acquaintance of the first, then arrived on the scene. The first man pleaded with the applicant to drop him off at the drugstore on his way home and the applicant agreed to do so, but only him.

As the applicant and his passenger began to drive away, the second man opened a car door and began punching the applicant in the face. The passenger also joined in, the car went out of control, crossed the sidewalk and then hit another parked car. Police were called and one offender arrested. The other offender, the passenger ran from the scene, but was pursued by witnesses, caught, and held for police.

The applicant was taken to hospital where tenderness in the cervical region, a contusion to the right cheek, and a superficial laceration and contusion to the left temple, a small burn to the second digit on his right hand and a swollen and abraded left knee were diagnosed. He was treated and released.

The applicant complained of neck pain and discomfort over a period of 17 months and began showing signs of depression arising from the injury and disability. There was also pain in his left knee, and he was finally referred to an orthopaedic surgeon. The specialist's report concluded that the problems would subside and no particular treatment was indicated. The applicant testified that he still suffers pain in his knee and neck area, and bouts of depression and paranoia.

The applicant was advised of the provisions of Section 25 with respect to a claim for lost income.

The first offender did not appear at trial and a bench warrant is outstanding. The second offender was sentenced to 12 months in jail and 12 months probation.

The Board found that the applicant qualified under Section 5 (a) and awarded compensation 7 (1) (d) pain and suffering, $7,000.00 and 7 (1) (f) doctor's reports, $160.00, legal fees of $400.00 and disbursements of $968.00 for a total award of $8,528.00.

FILE 922-012492

At approximately 1:00 a.m., the applicant, a 24-year-old student, and his two friends were leaving a hotel tavern in Kitchener, after an evening of pool playing. Prior to leaving the hotel, the applicant purchased a rose for his girlfriend and was carrying it with him as he departed.

Three men, unknown to the applicant, were leaning against a vehicle in the hotel parking lot and directed an insult at the applicant who ignored it and proceeded to walk past them. Suddenly, one of the assailants punched the applicant knocking him to the ground, while another stabbed the applicant three times. The assailants fled, and the hotel management summoned police and ambulance.

At the hospital, the applicant was found to have abrasions to the head and both knees, a superficial stab wound below the right armpit and two deep stab wounds to the left chest at the level of the diaphragm and left upper quadrant. A laparotomy was performed which disclosed a broken rib and penetrated abdominal membrane *(peritoneum)* but no damage to any vital organs was observed. The applicant's wounds

were debrided and sutured and he was discharged a few days later.

The applicant underwent an unremarkable recovery, and all injuries were resolved after approximately two months. He testified that the wounds still cause some discomfort and he continues to visit a family doctor on a weekly basis. The applicant remains nervous and fearful and continues to take tranquilizer medications. The applicant was advised of Section 25 of the Act in regards to medical costs not covered by O.H.I.P. He has also dropped out of school as a result of his fear of returning to Guelph where the offender lives.

The offender was convicted of assault and sentenced to twelve months imprisonment.

The application was found qualified under Section 5 (a) of the Act and compensation was ordered under Section 7 (1) (a) drugs $38.02 and ambulance $22.00; 7 (1) (d) pain and suffering $5,000.00 and 7 (1) (f) net loss of income to attend hearing $160.00, travel expenses to hearing $28.00, legal fees $300.00 and disbursement $35.00, for a total award of $5,583.02.

FILE 922-012970

One August evening, the applicant, a 51 year old hair stylist, was cooking dinner for himself and two tenants who lived in his Toronto home. Around 5:00 p.m. both tenants went out and bought beer which they brought back to the applicant's house and began consuming on the patio. After the tenants had consumed the beer they left to pick up some wine. They returned and talked with the applicant on the patio while consuming the wine.

The applicant left the patio to use the washroom around 10:45 p.m. and, as he was returning, he met one of the tenants, the offender, in the kitchen. The intoxicated offender suddenly knocked over a collection of antique kitchenware the applicant displayed on a shelf. When the applicant became upset, the offender picked up a 12" butcher knife and stabbed the applicant twice in the left side of the chest, shouting "I'm going to kill you!". The applicant staggered out of the house and spotted a passing police cruiser.

The applicant was transported to hospital by police and underwent an operation to explore the profuse internal bleeding from a left midsternal chest wound and the mass bleeding from a right midchest wound. One stab wound lacerated the internal mammary artery and was ligated. The other wound formed a hematoma, but no major arteries were damaged. The applicant was discharged from hospital seven days later, but over the next several months he experienced severe chest pains, anxiety, insomnia and pain to his left shoulder. He was prescribed analgesics, sleeping pills and tranquillizers.

In addition his left shoulder was diagnosed as a frozen shoulder and required acupuncture and physiotherapy. However, the applicant still experiences pain and limited movement in the left shoulder, chest pains and ongoing nervousness.

The offender pleaded guilty to aggravated assault and was sentenced to six years incarceration.

The Board found the applicant qualified under Section 5 (a) and awarded 7 (1) (a) drugs, $118.25, chiropractic services, $321.00; 7 (1) (d) pain and suffering, $8,000.00; 7 (1) (f) transportation, $19.08 for a total award of $8,458.33.

FILE 922-015394

(Heard on documentary evidence.)

The applicant was a 61-year-old retired lady living in Toronto. At approximately 9:00 p.m., she was walking home from a grocery store when she encountered an alleged offender who suddenly grabbed the applicant's purse which was hanging from her left arm. The offender then ran off with her purse. Police were notified, but their search of the area was fruitless.

The victim did not seek medical attention for her left wrist which was injured when the purse was snatched. She treated it by soaking her wrist in salt and water and wearing a tensor bandage. The applicant testified that she was "in shock" for ten days and is nervous about going out alone.

The offender was never apprehended.

The Board found that the application qualified under Section 5 (a) of the Act and awarded compensation under: Section 7 (1) (d) pain and suffering, $500.00.

FILE 922-014676

(Heard In Camera)

The applicant, a 35-year-old loans officer, resided in London, Ontario. At approximately 11:30 p.m. she and a friend proceeded to a club where they ordered drinks and stood by the stand-up bar. The offender, an unknown 38-year-old male, approached the applicant and asked her to dance. The applicant agreed to dance with him and did so until the bar closed. Before leaving the bar, the offender asked the applicant if she would accept a date with him for the following night. The applicant, although initially reluctant, accepted the invitation after some encouragement from her girlfriend.

The next night, at approximately 8:00 p.m., the applicant met the offender at a restaurant and accepted a later invitation for coffee at his studio.

When they arrived at the apartment, the offender's twin brother was there and an argument ensued between the two men in a foreign language which the applicant could not identify. The applicant feeling somewhat frightened and awkward, informed the offender that she was leaving.

The offender suddenly rushed to the door and locked it, declaring that she would not be allowed to leave until she had sex with him. When she refused, he grabbed her by the arms and punched her repeatedly in the face and head. He continued to punch her insisting that they were going to make love or she would have to perform fellatio. After an unsuccessful attempt at removing the applicant's clothes, the offender forced her to perform oral sex upon him. Eventually the offender released her.

The applicant attended her family physician the next day and told him about the assault. A medical report attested to the applicant's extensive bruising to the face and scalp and her severe emotional state. Despite the applicant's fears, her doctor encouraged her to report the incident to the police. Initially the applicant felt the trauma of reporting the assault would be too much for her, but after further persuasion by her doctor, she eventually did so a week later. The offender was arrested and charged.

The applicant's physical injuries were quickly resolved. However, she required extensive continuing psychotherapy and medication for treatment of severe anxiety and depression.

The offender was convicted of sexual assault and sentenced to 2½ years imprisonment.

The Board found the application qualified under Section 5 (a) of the Act, the crime of violence being sexual assault. Compensation was ordered under, Sections 7 (1) (a) drugs $537.35, replacement of glasses $83.95 and 7 (1) (d) pain and suffering $12,000.00, for a total award of $12, 621.30.

FILE 922-011565

(Hearing on documentary evidence.)

The application was brought by the sister of a 67-year-old single man who was murdered.

The victim is alleged to have been strangled by the offender and died of asphyxiation. The offender was charged with second degree murder, and disposition of the charge is pending.

The Board found the application qualified under Section 5 (a) of the Act, the crime of violence being murder. Compensation was awarded under Section 7 (1) (a) funeral expenses $2,200.00.

FILE 922-014400

The applicant, a 24-year-old waiter/bartender, was helping the offender, his fiance's father, feed his horses on a farm outside Windsor.

At approximately 3:00 p.m. the applicant accompanied the offender to the barn for the purpose of feeding the horses at which time the offender detected a rat in a grain bin. The offender instructed the applicant to go inside the bin and flush the rat out with a broom. The offender then briefly left the scene, returning with a .22 calibre rifle, and started firing at the rat. The applicant testified that he heard only one shot and realized he had been shot in the head. The applicant then walked back to the offender's residence, bleeding profusely from the head wound and was taken to hospital by the offender.

A CAT scan indicated a wound in the left frontal region of the skull *(spendoid bone)*, and a craniotomy was performed which revealed a large haemorrhage where the bullet had lodged, along with considerable dead brain tissue. The applicant's recovery was slow and gradual and a follow up CAT scan showed residual changes in the left frontal region.

The applicant was discharged ten days later but was readmitted the next day for a possible abscess formation which was resolved with massive doses of antibiotics. The applicant was finally discharged two weeks later.

The applicant testified to dizziness, headaches, and diminished sense of smell. In addition, the applicant required glasses to correct blurry vision and was prescribed an anti-convulsant, in order to prevent post-trauma epileptic seizures. Over the next two years, the applicant was unable to work and his convalescence included numerous neuro-psychiatric tests and counselling.

While the medical reports indicated a guarded prognosis for a good final outcome, the applicant continued to exhibit signs of personality/intellectual deterioration, impaired visual motor co-ordination, irritability, memory loss, severe headaches, apathy, and insomnia.

The offender was convicted of careless use of a firearm and fined $500.00.

The Board found the application qualified under Section 5 (a) of the Act, the crime of violence being careless use of a firearm and awarded compensation under Sections 7 (1) (d) pain and suffering $6,000.00 7 (1) (f) legal fees $300.00, for a total award of $6,300.00. For the pain and suffering award the applicant was paid $1,200.00 in a lump sum and 24 monthly payments of $200.00.

An investigation is being made into possible recovery of the award from the offender pursuant to Section 26 (2) of the Act.

FILE 922-013026

The applicant, a 20-year-old material handler, was the passenger in a friend's car which had stopped at an intersection on a street in downtown Toronto.

While preparing to make a left-hand turn, several people walked in front of the vehicle, and the offender hit the hood of the car with a motorcycle helmet he was carrying. The driver sounded his horn and ordered the offender and his friends to move from in front of the car. The offender responded by moving to the driver's side of the car and threatening to smash the windshield with his helmet.

The applicant jumped out of the car and the offender proceeding to the passenger-side, reached into his jacket and pulled out two small screwdrivers, and assumed a karate stance. Fearing that an attack was imminent, the applicant attempted to flee, but was slashed by the offender on his buttocks and back. A struggle ensued, and the applicant received additional slashes to his forehead, across the bridge of his nose, right cheek, right armpit and chest. The police arrived on the scene, arrested the offender and escorted the applicant to the hospital.

The applicant's superficial lacerations were cleaned and bandaged. The chest wound required five stitches to close. The applicant's family physician subsequently removed the stitches. Other than superficial scars on the forehead, nasal bridge and chest, no permanent disability was noted.

Approximately two years later, the applicant went to see a psychologist. He complained of irritability and excessive drinking which had caused a split with his girlfriend of four years, sexual impotency, nightmares, excessive weight loss and distrust of others. The doctor diagnosed the applicant with post traumatic stress disorder and severe depression and anxiety. The applicant testified as to these symptoms at the Hearing, but has failed to seek out any further psychotherapeutic intervention.

The applicant was off work for one week during his convalescence, and his claim for lost wages was deemed compensable by the Board.

The offender was convicted of aggravated assault and weapons dangerous and was sentenced to a total of four months imprisonment on the two charges.

The Board found the application qualified under Section 5 (a) of the Act, and compensation was ordered under Sections 7 (1) (a) drugs $13.89; 7 (1) (b) loss of income $277.15; 7 (1) (d) pain and suffering $6,500.00; and 7 (1) (f) other pecuniary losses $3.62, legal fees $350.00 and disbursements $575.00, for a total award of $7,719.66.

An investigation is being made into possible recovery of the award from the offender pursuant to Section 26 (2) of the Act.

FILE 922-013535

One fall evening, the applicant, 74 yeas old, was in her home in London when two male youths, the offenders herein, knocked at the side door. When she answered the door, the offenders forced their way into the house and demanded to know where her money was. She told them.

One of the offenders produced a knife and stood by the victim, while the other retrieved her purse. After ordering her to be quiet, the offender with the knife stabbed the applicant four times in the abdomen. The force of the blows caused her to fall down the six or seven basement stairs and hit her head on the basement door. The two assailants then fled.

The victim crawled up the stairs and telephoned police and was taken to hospital. A laparotomy revealed two lacerations to the right side of the liver, superficial serosal *(membrane)* tears to the transverse colon and a small serosal laceration to the anterior surface of the stomach. Two days after surgery, while the applicant was recovering, she suffered a cardiac arrest, which was attributable to a pulmonary embolus *(clot)*. The cardiac arrest procedure resulted in a fractured sternum and six fractured ribs.

The victim was released from hospital three weeks later to recuperate at home. The applicant suffered nightmares for about a month after the incident and still suffers from tenderness and a burning sensation along her incision. She is afraid to go out alone at night or answer her door when she is alone at home.

The offenders, one of whom was a Young Offender, were convicted of robbery.

The Board found that the application qualified under Section 5 (a) of the Act and awarded compensation under: Section 7 (1) (a) ambulance, prothesis and air travel for two family members, $663.95; 7 (1) (d) pain and suffering, $5,000.00 and 7 (1) (f) Air Canada search fee $10.00 for a total award of $5,673.95.

FILE 922-015185

The applicant is a 41-year-old assistant scheduler with a steel company. One early summer evening, the applicant, his wife and one of his wife's girlfriends were walking along a Hamilton street after attending a movie.

As they walked past a house, five young men, the offenders who were drinking in the house's veranda, yelled obscenities at them. The applicant and his companions ignored them and continued walking. The offenders then came after the applicant, knocked him down from behind and proceeded to kick and punch him. A neighbour, a witness to the assault, called the police, who apprehended one of the offenders.

The applicant was taken to hospital by police. He complained of pain all over, particularly in the testicles, lower back and right index finger. The applicant was given analgesics and told to see his family doctor. The family doctor noted an abrasion on the scalp, dizziness, pain in the right temple, numbness and twitching on the right side of the face, burning sensation in the right eye, pain in the right side of the neck radiating down the right arm to the hand, tenderness in the neck, shoulders and arms, pain in the mid lumbar spine, right leg, flank and groin as well as a swollen right knee. Heat, muscle relaxants and analgesics were used for treatment. An opthamalogist was recommended and subsequently seen.

The applicant attempted to return to work a week after the occurrence, but due to pain, was unable to continue. He was then sent for physiotherapy for a one-month period. Three months later the applicant began suffering from bowel incontinence. Five months later he was complaining of burning pain behind his right eye, blurred vision in the right eye, abdominal pain, numbness in the fourth right finger, pain in the groin area and right leg, right knee and lower back, difficulty getting an erection and stomach pains with sexual activity. He was also suffering from nightmares about the assault.

The applicant saw three specialists for these diverse ailments and the medical opinion was that they were a result of the psychological trauma of the assault. It was recommended that he see a psychiatrist. The applicant testified that he intends to see one. The offender apprehended was convicted of assault.

The Board found that the applicant qualified under Section 5 (a) and awarded compensation under Section 7 (1) (b) lost income, $1,500.00; 7 (1) (d) pain and suffering, $5,000.00; 7 (1) (f) legal fees of $400.00 and disbursements of $325.00 for a total award of $7,225.00.

FILE 922-013533

The applicant, a 19-year-old unemployed male, attended a party at his friend's residence in Sudbury. Around midnight he met a man, the alleged offender, whom he had never seen before.

After consuming about six beers with the alleged offender, the applicant suggested that they go to another party. They were there only for a short time when the alleged offender began behaving strangely. Suddenly and without provocation the alleged offender slapped the applicant in the face knocking him down. He then punched the applicant in the mouth and fled.

Another friend drove the applicant to the hospital where he was given ice, analgesics, and advised to see a dentist. The following morning the alleged offender phoned the applicant and apologized for the assault and offered to pay for the damage. He then drove the applicant to a dentist who examined his mouth and reported that it would be necessary to extract two teeth and insert a fixed bridge at a cost of $1,875.00. However, the alleged offender was unable to pay the cost of the dental work.

The applicant did not heed his solicitor's advice and refused to report the incident to police. Accordingly, the Board, having regard to Section 17 (2), declined to make an award. Solicitor's costs of $169.33 were awarded under Section 22 of the Act.

FILE 922-014607

(Held in Camera.)

The applicant, a 20-year-old waitress in a Kitchener bar was approached by a male friend and his two male friends.

At approximately 1:00 a.m., the applicant accepted her friend's offer of a ride home feeling she had nothing to fear as he had always treated her well. The applicant got into a car with the three men, but instead of taking the applicant home they drove her to a nearby apartment.

Once at the apartment, the three men refused to let the applicant leave and sexually molested her. They ransacked the apartment. The three men then took the applicant back to the car and drove to a house.

As they pulled into the driveway, the applicant escaped from the car but she was chased down a back alley by the three men who caught her and took her into the house. Shortly thereafter, the homeowner told the three men to leave, and they took the applicant to the residence of one of the offenders. At this point one of the unknown offenders proceeded to sexually assault her. After the offender ceased his assault, the applicant managed to climb out a second story window onto a porch roof.

By this time the police, summoned by neighbours, arrived and arrested the offenders in a struggle that ensued after they broke down the front door. The applicant was taken to the police station where she gave a statement and went home. Because the offenders were connected with a motorcycle gang and considered very dangerous, the applicant was moved out of town where she remained for six months. Indeed, the applicant was approached twice and told not to testify at trial, which resulted in a separate third party conviction for obstructing justice.

The offenders pleaded guilty to sexual assault and unlawful confinement, and were sentenced to five years, two years, and twenty-two months respectively.

The Board drew the applicant's attention to the provisions of Section 25 and encouraged her to get in touch with the Board again should she have further expenses related to this occurrence.

The Board found the applicant qualified under Section 5 (a) and awarded compensation of 7 (1) (b) net loss of income, $4,500.00; 7 (1) (d) pain and suffering, $10,000.00 for a total award of $14,500.00.

FILE 922-014367

(Held in camera).

This application was brought on behalf of the 15-year-old victim by her mother. The victim came to Canada when she was 10 years old and lived with her father who was separated from her mother. From the time of her arrival in Canada until she fled to her mother's home five years later, the victim was subjected to physical abuse by her father. She was sexually abused as well during the two years before she sought refuge with her mother.

The victim has been receiving counselling from the Children's Aid Society for two years following

her report of the abuse. The social worker's report indicated that the victim was making a good recovery, but she will always be emotionally scarred. The need for future therapy is a real possibility and the Board drew the applicant's attention to the provisions of Section 25 re the payment for such therapy upon receipt of proper documentation.

The victim's father was convicted of incest and assault causing bodily harm and sentenced to five years in prison. The offender also received five years consecutive for similar convictions relating to the victim's younger sister. *(File #922-014368).*

The Board found that the victim qualified under Section 5 (a) and ordered the payment of $8,000.00 to the Accountant of the Supreme Court of Ontario to be held in trust for the victim pursuant to Section 36 (6) of the Trustee Act until she attains the age of 18 years. It also authorized the payment of $45.00 other pecuniary loss 7 (1) (f) as well as legal fees of $200.00 and disbursements of $105.00 for a total award of $8,350.00.

FILE 922-013485

The applicant, 32 years of age and a carpenter, resided in Kitchener, Ontario in a second floor of a house that had been converted to apartments. The applicant also had the porch on the main floor designated for his use.

At approximately 9:00 p.m. the applicant was sitting in a chair on the porch and having a drink. At the same time a party was occurring in the main floor apartment of the building. Apart from lending some music tapes, the applicant had not participated in the party.

About two hours later, an individual attending the party came out on the porch, and for no apparent reason proceeded to kick the applicant in the mouth, causing the applicant's upper denture to break and dislodge in his mouth. Falling to his knees, attempting to free the denture from his mouth, the applicant was kicked twice more in the head, in the area of the ear, and the right eye.

Upon the arrival of the police, the offender was arrested and the applicant was taken to hospital. The injuries sustained were: a cerebral concussion, a contused right eye, and a possible fracture of the nose. Three days of observation in the hospital were required and sutures were necessary to repair the right eyelid. The injured eye remained sensitive to light for eight weeks. The broken dentures were repaired, but if this is not satisfactory, they may need to be replaced.

The investigator noted that due to an extreme state of inebriation, the applicant was unable to give a coherent statement at the scene. As a result of the applicant's state, it was necessary to place him in the intensive care unit of the hospital.

The offender was convicted of assault causing bodily harm. The Board found that the application qualified under Section 5 (a) of the Act and ordered compensation under Section 7 (1) (a), ambulance $22.00 medication $7.94, repair work to full upper denture $23.00, 7 (1) (b) lost wages $320.00, 7 (1) (d) pain and suffering $1,000.00, 7 (1) (f) return bus fare x two (Kitchener-Toronto) $38.00, two day's pay $120.00 for a total award of $1,530.94.

FILE 922-015010

At approximately 3:25 a.m., the applicant, a 58-year-old part-time night caretaker, was working at a highway restaurant service centre in Port Hope. He noticed an unknown man leaving through the back door of the kitchen, followed, and noticed another man standing beside a parked car. As he attempted to re-enter the restaurant, he was jumped from behind by a possible third accomplice.

The applicant was punched in the head, face and shoulders and knocked to the ground where he received further blows. The applicant feigned unconsciousness and the offenders fled. The applicant returned to the gas bar, and an attendant called the police.

The applicant drove himself to the hospital where it was noted he had multiple contusions and abrasions to his face, head, shoulders, knee and hands. An x-ray revealed a comminuted fracture of the nasal bones which did not appear grossly displaced. He was treated with anti-flammatory and analgesic medication, a cervical collar and advised to attend his family physician before being discharged. A doctor's report indicated that the applicant's physical injuries resolved within three weeks, but he continued to experience acute situational anxiety and insomnia for five months after the occurrence.

The loss of income from two weeks absence at work was deemed compensable by the Board.

The assailants were never apprehended.

The Board found the application qualified under Section 5 (a) of the Act, the crime of violence being assault and compensation was ordered under: Sections 7 (a) (b) loss of income $604.00; 7 (1) (d) pain and suffering $2,000.00 and 7 (1) (f) doctor's reports $100.00 and travel expenses to hearing $51.00, for a total award of $2,755.00.

FILE 922-013252

The applicant, a resident of Massey, was a 60-year disability pensioner who did some part-time welding work.

The applicant and his wife *(file 922-013253)* had as guests, the offender, his common-law wife and her two children. The adults were drinking and conversing when an argument broke out between the two wives and it developed into a physical fight.

The applicant told the offender his wife must cease assaulting the applicant's wife, whereupon the offender struck the applicant on the chin, causing him to fall to the floor. Although the applicant was unsure of subsequent events, he believed that he was hit and/or kicked again. The applicant's wife also received injuries as a result of her altercation with the offender's wife.

The offender, his wife and the two children departed, and the applicant's wife phoned the police and an ambulance and both were taken to hospital in Espanola.

The applicant was kept in hospital and then transferred to a Sudbury hospital. A bilateral fracture of the mandible *(jaw bone)* was diagnosed and the applicant was told to return to hospital when the swelling around his jaw had subsided. The applicant returned to Sudbury the following week and was admitted the next day. Surgery, including the wiring of his jaw and the removal of two teeth, were performed. A wound infection later appeared and was treated.

Three weeks later, x-rays taken at an Elliot Lake hospital revealed further displacement of the applicant's mandible and the following month, he was sent to a Toronto Hospital for rewiring of his jaw, where he remained one week.

The applicant returned to the Toronto hospital two months later to undergo a bone graft from his hip to replace bone lost by the infection, and to stabilize mobility of his mandible.

At a subsequent date, the applicant had his remaining teeth removed and full upper and lower dentures made. Surgery to ensure a proper fit of the lower dentures may still be required. The applicant was advised of Section 25 of the Act.

The charges against the offender were dismissed at trial.

The Board found that the applicant qualified under Section 5 (a) of the Act and awarded compensation under Sections 7 (1) (a) dental expenses, drugs, ambulance, crutches, travel for treatment, and other expenses of $1,954.40, 7 (1) (d) pain and suffering $3,000.00, 7 (1) (f) travel expenses to hearing $30.00. In addition, the Board awarded the applicant's solicitors $150.00 legal fees and disbursements of $250.00, for a total award of $5,384.40, under Section 7 (1) (f).

FILE 922-013370

The applicant, a 22-year-old shipping clerk, went to a friend's Toronto house after midnight to play cards. Also present were two unknown males, the offenders herein. They proceeded to play euchre with the applicant and his friends.

Approximately 30 minutes later, the offender became irate when the applicant uttered an epithet after one of the offenders made what the applicant considered a "stupid play". A few minutes later, one of the offenders got up, casually walked behind the applicant and attacked him, the other offenders quickly joining in the assault.

The applicant fell to the floor and was repeatedly kicked and punched about the face and chest.

The police arrived and arrested both offenders after a brief struggle. The applicant was taken to hospital where it was noted that he had sustained a fractured mandible, bruises to the body, and dental damage. The fracture was treated conservatively, and the applicant was discharged. He made an uneventful recovery with respect to the jaw fracture. However, the applicant required root canal surgery and minor oral surgery to repair damage to his upper right central incisor. The applicant was off work for two days.

Each offender was convicted of assault causing bodily harm and sentenced to 60 days in jail and

two years probation. In addition each offender was ordered to pay $800.00 restitution which at the date of the Hearing had not been paid.

The Board found the application qualified under Section 5 (a), of the Act, the crime of violence being assault causing bodily harm, and ordered compensation under; 7 (1) (a) dental expenses $872.42; 7 (a) (b) net loss of income $212.16; 7 (1) (d) pain and suffering $2,200.00; 7 (1) (f) doctor's reports $95.00, legal fees $250.00 for a total award of $3,629.59.

FILE 922-015298

The victim herein is a 3-½ year old boy and the application was made on his behalf by his father. The victim, his parents and older sister reside together in Elliot Lake.

The victim's parents were both at work, his sister was at school, and he was in the care of a live-in babysitter, the offender herein, who had been hired to care for both children when the parents were working.

During the course of the day, the offender had thrown the victim against a coffee table in what she described as a "disciplinary" action. The offender telephoned the applicant at work and told him that the victim had fallen and hurt his leg. The applicant then notified his wife who went home and, after telephoning her doctor, took the child to hospital by ambulance.

The victim was found to have a spiral fracture to the shaft of the femur in his left leg. The victim required nine weeks in traction and was not comfortable or confident walking for 4-5 months after being taken out of traction. The victim also suffered emotional trauma, was concerned about being left alone at night, and had a distrust for female babysitters. The doctor's report indicates that the victim can expect full recovery and the prognosis is good.

The offender was convicted of assault bodily harm and aggravated assault and was given a suspended sentence with one year probation and direction for counselling and treatment. The second charge is a result of a spanking, with a stick, that the offender had given the victim the day before the leg was broken.

The Board found that the application qualified under Section 5 (a) of the Act and awarded compensation under Section 7 (1) (a) travel expenses to hearing and benefit of victim, $125.00; 7 (1) (d) pain and suffering $2,500.00; and 7 (a) (f), to the applicant's solicitor, legal fees of $300.00; and disbursements of $150.00. The total award was $3,075.00.

The pain and suffering award was paid to the Accountant of the Supreme Court of Ontario to be held in trust for the victim until he attains the age of 18.

FILE 922-014109

(Heard in camera).

The applicant, an 18-year-old female car wash attendant, was working late one night when the offender, a 19-year-old male, entered through the back door at approximately 11:00 p.m. The offender surprised the applicant, knocked her to the ground, then proceeded to sit on her and choke her. He lifted her off the floor and forced her into a washroom where he sexually assaulted her.

When the applicant's employer telephoned the car wash during the assault and received no answer, he drove over and arrived approximately ten minutes after the start of the assault. When he arrived, the offender released the applicant and fled. Police were then called.

The applicant was then driven to hospital where she was treated for multiple contusions to the face, neck, and body. It was noted that the force used in choking the applicant was severe enough to have caused hemorrhaging of blood vessels in both eyes. She went through the procedures of the rape kit protocol and was discharged.

The applicant followed up treatment with her family physician who prescribed tranquillizers to combat severe emotional trauma and post traumatic stress. She was also given counselling at a local rape crisis centre. The applicant felt able to return to work after one month. However, after approximately one year, she felt compelled to quit when her employer would occasionally leave her on her own to lock up at closing time. The medical prognosis indicated that the applicant would feel nervous effects for a number of years and be emotionally scarred for life.

The offender was convicted of both sexual assault and choking and was sentenced to an undetermined prison term after being legally declared "A dangerous sexual offender". He also

received seven years concurrent on the choking conviction.

The Board found the applicant qualified under Section 5 (a) and awarded 7 (1) (d) pain and suffering, $10,000.00; 7 (1) (f) travel expenses, $50.00, legal fees and disbursements, $650.00 for a total award of $10,700.00.

FILE 922-013022

This application was brought by the mother of the victim. The victim, a 25-year-old hotel bouncer, began consuming beer at noon as he travelled to Peterborough to visit friends. The victim later attended at a friend's cottage with several other people where they continued to consume beer. Late in the evening the victim was in a fight with another man which was eventually broken up by the host who held the victim at bay with a shotgun. The host and the remaining guests then walked into the cottage to phone police and take refuge from the victim.

The victim then forced his way through the front door of the cottage and was shot in the chest by the host. The victim succumbed to his injuries 5 weeks later. The host was charged with second degree murder but was acquitted by a jury.

Having regard to section 17 (1), the Board dismissed the applicant's claim because of the victim's direct contribution to his death. However, it did award compensation of $28.00 representing cost of travel to the Hearing.

FILE 922-015067

At approximately 10:00 p.m. in early August, the applicant, a 26-year-old-Metropolitan police officer, was on duty and stationed at the Caribana Festival on Toronto Olympic Island.

Part of the crowd at the festivities was becoming unruly, and the manager of one of the concession stands asked the applicant to investigate two men who were harassing an employee guarding his van. When the applicant approached the van, he observed two men rolling a marijuana cigarette and attempting to distract the employee while they looked in and around the van. The applicant attempted to arrest the two men for possession of marijuana, but one of them managed to run away.

The applicant grabbed the struggling second offender by the arm and pushed him against a barrier. Suddenly, the detained man held the applicant by the wrists and yelled, "Stab him, stab him". The applicant turned to see who was behind him and observed the first offender, who had returned to the scene, stab him in his right back and flee. The applicant fell to his knees, but managed to hold onto the second man's legs. The man proceeded to punch the applicant in the head until he was restrained by several other officers who came to the applicant's assistance.

The applicant was given emergency first aid, but could not be removed from the island by ferry because a rioting group was blocking the bridge. The applicant was eventually carried on a stretcher into the water by several officers in order to get to a waiting boat.

The applicant was transported by ambulance to the hospital with a three-inch horizontal stab wound to the right lower back. An exploratory laparotomy was performed through an incision in the abdominal region but no internal hematomas or organ damage was discovered. The applicant's post-operative recovery was complicated by several infections which required the reopening of sutures and open drainage of the wounds. The applicant was discharged from hospital in nine days, but received daily home care for several weeks after the occurrence.

Five weeks after discharge from hospital, the applicant's family physician treated another wound infection which had developed, and noted that the applicant was experiencing abdominal and back pains and difficulties in completing daily tasks. He returned to full work duties a month later. However, he testified that since the stabbing, he has been unable to regain his full physical capacities and continues to experience pain when exercising. He also suffers emotional trauma from the incident, fear of crowds, nightmares, and mood swings which have adversely affected his social life and job performance.

Both offenders were convicted of aggravated assault and sentenced to five years and two years less a day imprisonment respectively.

The Board found the applicant qualified under Section 5 (a) and awarded compensation 7 (1) (a) expenses, $22.00; 7 (1) (b) loss of income, $900.00; 7 (1) (d) pain and suffering, $7,500.00; 7 (1) (f) other pecuniary losses, $525.00 and legal fees of $350.00 for a total award of $9,325.00.

FILE 922-016020

(Held in camera.)

The application was brought before the Board by the victim's social worker.

The victim was a fifteen-year-old girl who had been sexually assaulted by her father over a five-year period and by her older brother over a two-year period.

Sexual assault charges were brought against both the victim's father and brother.

The Board found the victim qualified under Section 5 (a) and ordered $9,500.00 be paid to the Accountant of the Supreme Court of Ontario under Section 36 (6) of The Trustee Act to the credit of the victim to be held until she reach the age of 21 years. It also awarded legal fees of $350.00 and disbursements of $68.00 for a total award of $9,918.00.

FILE 922-014189

The applicant, a 35-year-old unemployed male, attended a Toronto after-hours pub at 1:00 a.m., after drinking beer for 4 hours at a local hotel. There, the applicant drank beer and socialized with two unknown males despite the fact that he is subject to seizures and is not supposed to use alcohol.

At approximately 3:00 a.m., the applicant left the pub and was followed outside by the aforementioned two males who confronted the applicant on the sidewalk and demanded his money. When he refused to hand over his money, the applicant was pushed to the ground and had his head smashed against the sidewalk. The two males then dragged him to a nearby street lamp and proceeded to wrap the applicant's right leg around the pole until it broke at the ankle.

The two males robbed the applicant and fled but police apprehended one of them a short distance away. The applicant was taken to hospital by ambulance. It was noted that he sustained a laceration to his head, which was sutured, and a severe comminuted fracture of his ankle. The ankle fracture required open reduction surgery with internal fixation in an attempt to reconstruct the ankle joint. The applicant was placed in a full leg cast for six weeks which was then exchanged for a weight bearing cast that was worn another six weeks.

The applicant returned to hospital nine months later for one week for surgery to remove the internal fixation, and the leg was again placed in a cast for six weeks. This was followed by 39 physiotherapy sessions.

One of the two assailants was apprehended and convicted of robbery and sentenced to 12 months imprisonment.

It was impossible to fully reconstruct the ankle which is still deformed and causes the applicant persistent pain. Osteoarthritic changes have been noted and future surgery is a possibility.

The Board found the application qualified under 5 (a) of the Act, the crime of violence being assault and ordered compensation under Section 7 (1) (d), pain and suffering $3,000.00.

FILE 922-013885

The applicant, a 32-year-old male police officer, was attempting to transfer a prisoner, the offender herein, from the investigative office to the booking cells in Scarborough. A scuffle ensued and the offender kicked out, violently, knocking the applicant to the floor. The applicant reached out to grab the prisoner's ankle, but the prisoner's foot caught the applicant on the right side of his hand.

The applicant was taken to hospital and it was determined he had suffered a fracture to his hand *(the neck of the fifth metacarpal)*. A plaster slab was worn for two days and then a splint for several weeks. A month later a medical report indicated that the fracture was healed and good grip and rotation had returned.

The offender was charged with assault bodily harm but the charge was dismissed.

The Board found that the application qualified under Section 5 (a) of the Act, the crime of violence being assault and ordered compensation under Section 7 (1) (d) pain and suffering $600.00.

FILE 200-9258

The applicant, a 32-year-old self employed businessman, was returning to his east end Toronto home after work and was attacked from behind as he entered the house. He testified that he was kicked, punched, rendered unconscious and

robbed of $5,000.00 worth of jewellry and $1,000.00 in cash.

The following morning a delivery man saw the applicant's front door ajar and heard the applicant calling for assistance. The injured applicant was discovered in the basement of his house and police and ambulance were summoned.

The applicant was taken to the hospital and diagnosed with a central nervous system injury which caused speech and writing difficulties, paresthesia in the right hand and dysfunction of the right leg. However all x-ray, C.T. Scan and E.E.G. tests proved normal and the applicant was discharged in two weeks. He received physiotherapy treatment for seven months. One year later, the applicant's speech and co-ordination were improved but still less than normal. A subsequent medical report concluded that the applicant had been left with permanent neurological damage, but he was advised to return to work and did so in another few months.

A police investigation at the scene of the assault revealed evidence of a struggle throughout the house. Bottles of liquor were found in the kitchen. An open package of marked cards were also discovered in the living room, but the applicant denied ever using the cards in a serious gambling game.

The police interviewed the applicant in the hospital on two separate occasions, and he claimed he had no enemies and could only provide a vague description of the assailants. However, when the applicant was interviewed three months later, he became uncooperative and stated he no longer wanted the police to continue the investigation. The applicant indicated he knew who the attackers were, but would not disclose their names or motive for the assault. The applicant denied making this statement to the police at the Board Hearing. The police concluded that, in their opinion, a card game at the applicant's house had precipitated the occurrence and that the applicant could identify his assailants.

The Board took into consideration the serious nature of the assault and injuries, but also recognized the total circumstances of the occurrence and the evidence of the investigation submitted. The Board concluded that in accordance with Section 17 (2) of the Act, the applicant had failed to satisfy the Board that he had provided reasonable co-operation with the police investigation and therefore declined to make an award.

This Order was appealed by the applicant and the appeal was subsequently dismissed by a decision of the Divisional Court of Ontario.

FILE 922-015487

The applicant, a 19-year-old college student, was walking along the street to her Ottawa residence around 8:00 p.m. one February evening when she was approached by an unknown male.

This man requested directions, and when she was unable to be of assistance, he suddenly struck her in the face and forced her into a truck. The applicant was then forcibly confined, sexually assaulted, beaten, and finally left to die in a snowbank outside the city the following evening. When the applicant regained consciousness, she made her way barefoot to a nearby service station to seek assistance.

The applicant was taken to hospital where it was noted that she had sustained multiple lacerations to her scalp which took three hours to suture, frostbite to both feet, multiple contusions, burn marks to the neck, a fractured fourth right finger, a fractured fourth metacarpal of the left hand, and a damaged temporomandibular joint *(jaw)*. She spent two weeks in hospital recovering from her physical injuries and was then transferred to the psychiatric unit where she remained for treatment of post traumatic stress syndrome for two months.

The applicant was forced to take a year off school, but she eventually returned to college with a reduced work load. She testified that she still undergoes weekly psychiatric treatment and monthly dental treatment for her jaw.

The offender pleaded guilty to attempted murder and sexual assault and was sentenced to ten years for the first offence and five years consecutive for the second.

The Board found the applicant qualified under Section 5 (a) and awarded compensation under 7 (1) (a) expenses, $1,265.33; 7 (1) (d) pain and suffering, $12,900.00; 7 (1) (f) legal fees and disbursements, $960.05 and as well as the applicant's father's travel expenses, $200.00 for a total award of $15,325.38. The pain and suffering award was divided into a lump sum of $7,500.00 and 12 monthly payments of $450.00.

FILE 922-014005

The applicant, a 44-year-old government employer, was in his apartment in Ottawa, when his son, the offender, arrived and an argument ensued.

Without warning, the youth drew a knife and stabbed the applicant in the chest and hand. The offender fled the scene, but was subsequently taken into custody and charged with attempt murder.

According to documentary evidence, the offender had a history of emotional difficulties in coping with the relationship with his father.

The applicant was treated at the hospital for a three cm stab wound to the anterior chest and a three cm laceration to his right hand. He was immediately taken to the operating room where he underwent a exploratory mediastinotomy which revealed a puncture hole in the left ventricle of the heart and partial collapse of both lungs. A chest tube was inserted and the stab wound was closed. The laceration to his right hand was sutured and placed in a cast for one month. The applicant remained in the hospital for ten days; his chest was sore for three months. Post-operative examinations indicated an uneventful recovery with no continuing problems, except for some lingering emotional trauma as a result of the occurrence.

The applicant remained off work for five months. Lost wages were covered by sick benefits, but he did incur medical costs in excess of amounts covered by O.H.I.P.

The offender was convicted of attempt murder and sentenced to two years less a day imprisonment.

The Board found the application qualified under Section 5 (a) of the Act, the crime of violence being attempted murder and compensation was awarded under Section 7 (1) (a) net hospital expenses $30.70 and 7 (1) (d) pain and suffering $5,000.00, for a total award of $5,037.00.

FILE 922-014447

The applicant, a 24-year-old university student, was working in his father's coffee shop in Toronto. At approximately 1:30 p.m. he heard his father yelling for help.

The applicant ran to the front of the coffee shop and saw his father lying on the floor being kicked by two men. He pulled one man off his father but he was knocked to the ground by the other man, who proceeded to kick him over the left eye and right ribs. The assailants fled in a car and started driving away. The applicant ran behind the car in order to get the licence plate number. He was spotted by the two men in the car which prompted them to get out of their vehicle and again assault the applicant.

Police were called, and the applicant was taken to hospital where he was treated for a laceration to his forehead, and abrasions to the ribs and both knees. The applicant was released from hospital but a temporary loss of hearing in the left ear and emotional distress interfered with his school performance. The applicant testified that it was 3-4 months before he felt healed. The charges of assault against one alleged offender were dismissed while the other offender was convicted of assault and fined $350.00.

The Board found the application qualified under Section 5 (a) of the Act, the crime of violence being assault, and ordered compensation under; 7 (1) (a) for drugs $36.70; 7 (1) (d) pain and suffering $2,000.00 for a total award of $2,036.70.

FILE 922-014973

(Held in camera.)

During the early hours of a July morning, the applicant, a 48-year-old temporary office worker, was sleeping in the basement apartment of the home of her sister and brother-in-law who had gone away for the weekend. She was awakened by sounds from the main floor of the house and went upstairs thinking that the family had returned unexpectedly. When she called out as she approached the kitchen, the light was turned off. Realizing there was an intruder present she ran outside screaming but tripped and fell. The offender followed her and dragged her back into the house and blindfolded her with tape. Over the next three hours he ransacked the house looking for valuables, dragging her from room to room with him. He also sexually assaulted her. Since the offender had picked up a knife from the kitchen the applicant testified that she feared for her life. When he departed, the applicant waited a few moments and then called police.

The police took the applicant to a local hospital's rape crisis centre. The applicant's physical injuries were not severe but she required counselling at the rape crisis centre and psychiatric treatment. She suffers from sleeping difficulties, and anxiety and fear regarding the possibility of attacks on herself or her daughter. The assault has also caused a loss of confidence, anger and frustration. One early attempt at returning to work failed because of a severe emotional reaction. She has now changed her place of residence and returned to work. The applicant impressed the Board as determined to overcome her problems.

Since the applicant, who had not seen her attacker, was unable to identify his voice from police tapes the offender was never apprehended.

The Board found that the applicant qualified under Section 5 (a) and awarded compensation under 7 (1) (a) expenses, $530.00; 7 (1) (d) pain and suffering, $9,000.00; and 7 (1) (f) travel expenses to Hearing, $20.00 for a total award of $9,550.00.

FILE 922-011243

The applicant is the widow of a 34-year-old labourer who had attended a Toronto tavern where he had been befriended by a couple.

All three drank and conversed during the course of the evening. When the victim started to dance with the woman, the offender became upset and an argument erupted between him and the victim. The confrontation resumed on a street outside the hotel and turned into a physical struggle. The offender then produced a hunting knife and stabbed the victim several times in the chest. He fled, but was subdued by some witnesses to the fight.

Police arrived quickly and transported the victim to hospital, where he was pronounced dead on arrival.

The offender was convicted of second degree murder and sentenced to life imprisonment with no eligibility for parole for ten years.

The applicant, a 34-year-old house cleaner, sought funeral expenses and lump sum support payment to alleviate her increased financial burden. The Board found the applicant qualified under Section 5 (a) and awarded 7 (1) (a) funeral expenses $2,500.00; 7 (1) (c) dependents pecuniary loss $8,500.00; 7 (1) (f) travel expenses to Hearing $40.00; and legal fees and disbursements
$321.50 for a total award of $11,361.50.

FILE 922-015036

The applicant was a 37-year-old male nurse at the Kingston Psychiatric Hospital. During the afternoon shift, the applicant and a colleague approached a patient, the offender herein, who was behaving uncontrollably, to administer some medication.

When the offender was told he would lose privileges if he continued to misbehave, he struck the applicant on the face, knocking him down. A call for assistance was made, and it took six male nurses to subdue the offender. During the scuffle, the offender struck the applicant on the face a second time, breaking his right jaw and cheekbone.

The applicant went to hospital by taxi and, in addition to the two broken facial bones, it was noted that one tooth had been knocked out, and others loosened. Surgery was performed with an open reduction, and wiring of the jaw.

The applicant missed six weeks of work. Dental work continued for a further five months. The applicant experienced extensive trauma, lost confidence and recurring bad dreams. Consequently, the applicant quit his job of 18½ years at the Kingston Psychiatric Hospital, and sought other employment.

The offender was convicted of assault.

The Board found that the application qualified under Section 5 (a) of the Act and awarded compensation under Section 7 (1) (d) pain and suffering, $4,500.00 and 7 (1) (f) travel expenses to hearing, $54.00, making the total award, $4,554.00.

FILE 922-015021

At approximately 4:00 p.m., the applicant, a 23-year-old data analyst, was in attendance at a football game in Toronto.

Prior to the game the applicant had consumed ten ounces of vodka during brunch with friends. At the game, he drank two beers and began to feel ill. The applicant proceeded to the washroom and vomitted. He left the washroom,

feeling very weak, and crouched down leaning against a corridor wall in order to regain his strength. A plainclothes police officer saw the applicant and arrested him for being drunk in a public place. The applicant was subsequently handcuffed and taken to a police van stationed outside the stadium. Two other men were already in the van in an intoxicated state.

As the applicant sat in the van, the other two men began to rock the van back and forth and make a lot of noise. The applicant asked them to stop it, which focused the men's attention on the applicant. The two men, who were not handcuffed, began kicking and punching the applicant into unconsciousness.

Several more people were put in the van until it held a total of seven occupants. As the van was being driven to the police station, the two offenders and a third occupant began beating the applicant once again. When the occupants of the van disembarked, the police noticed the applicant was injured and immediately transported him to the hospital.

The applicant sustained abrasions and bruises over his face and scalp and some left-sided cost overtebral *(ribs)* tenderness. Bilateral subconjuctival *(membrane of eye)* hemmorhages were noted and also mild epigastic and genital tenderness. Blood was found in the applicant's urine. An intravenous pyelogram was done, but it failed to show any urinary tract blockage.

The applicant testified that he suffered headaches and difficulties sleeping for the first month. He was also absent from work for five days.

Three offenders were convicted of assault causing bodily harm and sentenced to 27 days incarceration and 2 years probation; 30 days incarceration and 2 years probation, and the third offender received a suspended sentence and 2 years probation.

The Board found the application qualified under Section 5 (a) of the Act, the crime of violence being assault causing bodily harm. Compensation was ordered under: Sections 7 (1) (a) loss of income $210.00; 7 (1) (d) pain and suffering $3,000.00 and 7 (1) (f) hospital records $50.00 and photocopies $4.70, for a total award of $3,264.70.

FILE 922-012274

At the time of the incident, the applicant was 53-years-old, the widowed mother of nine children, who lived in Kingston.

The applicant's 14-year-old daughter was beaten to death by the 57-year-old offender who had been a boarder at the applicant's family home. There appeared to be no motive for the murder. The offender was apprehended, but committed suicide in jail while awaiting trial.

The family's tragedy was compounded by the death of one of the applicant's sons in a traffic accident one week later.

The applicant found that her home and surroundings contained too many memories. Consequently, she moved to Brockville. A year later, she moved back to Kingston into a new home.

The Board found that the application qualified under Section 5 (a) of the Act and awarded compensation under Section 7 (1) (a) funeral expenses, $1,677.00; 7 (1) (b) lost income, $1,000.00; and 7 (1) (f) travel to Hearing, $133.00 and to the applicant's solicitor, legal fees of $350.00 and disbursements of $35.00. The total award was $3,195.00.

The Board found that there was no demonstrable evidence that the applicant sustained mental or nervous shock as envisaged pursuant to the provisions of Section 1 (1) (d) of the Act, and therefore, declined to make an award in this regard.

FILE 922-015648

(Held in camera).

The applicant, a 63-year-old widow, was awakened an early summer morning by the offender. A young man had broken into her Windsor apartment.

The offender surprised the applicant in her bedroom, smothered her face with a pillow, removed her night gown and sexually assaulted her for two hours before he fled. The applicant then left her apartment to obtain assistance. The police were called, and she was taken to hospital.

The applicant was treated for contusions and abrasions to her neck, breasts, rib cage and thighs. In addition, her vagina was torn and bruised and a rape kit was administered. Most of the applicant's injuries resolved after two

months with the exception of her vaginal injuries which continue to give her problems. The applicant also suffered severe emotional trauma and anxiety which limited her social life and forced her to leave Windsor to live elsewhere. Unrelated medical problems have interfered with the resolution of the emotional trauma. The applicant attended a sexual assault crisis centre more than 30 times for counselling; extensive counselling in the future is still recommended.

The offender pleaded guilty to sexual assault and breaking and entering and sentenced to two years in prison.

The Board found the applicant qualified under 5 (a) and awarded 7 (1) (a) ambulance $22.00; 7 (1) (d) pain and suffering $6,500.00; 7 (1) (f) travel expenses $163.00; legal fees of $350.00 and disbursements of $260.00 for a total award of $7,295.00.

FILE 922-011553

Since the applicant had twice failed to appear at scheduled Hearings, the application was heard on documentary evidence pursuant to Section 7 of the Statutory Powers Procedure Act.

The applicant was a 63-year-old disability recipient who resided in Hamilton, Ontario. At approximately 1:15 a.m. while staying at a Salvation Army Hostel, the applicant was awakened by a man *(the offender)* in a bed next to his own. The offender threatened the applicant and then, unprovoked, punched the applicant in the mouth. Police were called to the hostel.

The applicant sustained a minor cut to his lower lip and a cut to the inside of his mouth. There was no medical treatment and the injury healed on its own.

The offender was convicted of assault. The Board found that the application qualified under Section 5 (a) of the Act and awarded compensation under: Section 7 (1) (d) pain and suffering $50.00.

FILE 922-014223

The application was brought by the wife of the victim, a 42-year-old machinist, who died on June 9, 1984, in Guelph.

The victim was temporarily separated from the applicant at the time of the incident and was living at a rooming house owned by his nephew, the offender.

In the early hours of the morning, the victim and several other boarders were sitting on the front porch of the house consuming a considerable amount of alcohol. The offender arrived at the house in a highly intoxicated state and began arguing with one of the boarders. A brief struggle ensued and then the offender departed saying to the others that he was going to bed.

Shortly thereafter the victim and other boarders on the porch heard an explosion and saw fire coming from inside the house. The victim and several other men entered the house in order to put out the fire and to find the offender who they believed was still inside. As the victim attempted to remove a gasoline can engulfed in flames in the living room, he was overcome by smoke and burns. The victim collapsed and was later discovered dead by firemen.

The offender, who intentionally set fire to the house, was convicted of manslaughter and sentenced to one year in jail.

The Board found the application qualified under Section 5 (a) of the Act, and compensation was ordered under Sections 7 (1) (a) funeral expenses, $2,500.00; 7 (1) (c) dependant's net loss of income $7,000.00 and 7 (1) (f) legal fees $300.00 and disbursements $44.00, for a total award of $9,844.00.

FILE 922-014934

The applicant is a 67-year-old retired man, living with his 95-year-old mother in London.

One summer morning, the applicant was in his kitchen preparing breakfast when the offender knocked at the side door and asked to use the applicant's telephone.

Once admitted into the house, the offender brandished a pistol, struck the applicant a number of blows about the head, took him to the bedroom, shot him in the left shoulder and tied him up. The applicant's mother was also tied up. The offender then took the applicant's wallet and fled in the applicant's car which was later found abandoned a short distance away.

The applicant notified police and was subsequently taken by ambulance to hospital. He was treated for lacerations about his head and for the gunshot wound to his shoulder. A medical

report indicated that the applicant underwent a period of considerable personal distress at that time.

The offender was convicted on a number of counts including robbery and unlawful confinement and received seven years imprisonment.

The Board found that the application qualified under Section 5 (a) of the Act and awarded compensation under Section 7 (1) (d) pain and suffering, $2,500.00 and 7 (1) (f), to the applicant's solicitor, legal fees of $300.00 and disbursements of $62.75, making the total award of $2,862.75.

FILE 922-013716

At the time of the incident the applicant was 33-years-old, a Toronto resident, and employed by a porcelain fixture company. He rents the upper floor of his residence to a tenant, the offender herein.

One week prior to the incident, the applicant served the offender with an eviction notice for non-payment of rent. At approximately 5:00 p.m. the applicant went to ask the offender when he intended to leave the premises. The offender reacted by striking the applicant over the head with an unlit "molotov cocktail", and then punching him on the face, head and body. The applicant was also bitten in the forehead. A second "molotov cocktail" was lit, thrown and a fire ensued. Police and firemen were summoned.

The applicant was taken to hospital by ambulance, where injuries noted were multiple cuts and bruises to his face, neck, forehead, left wrist, both knees and anterior chest, and some superficial burns. The applicant was treated for bruises, required some suturing for lacerations, was given a tetanus toxoid injection and released.

Two weeks later, the applicant saw his family doctor, and significant edema *(fluid accumulation)* was noted in his right cheek and upper right eyelid; the applicant was also depressed. Medical opinion is that the mental trauma and depression would be life-long.

The offender was convicted of assault, level 1.

The Board found that the application qualified under Section 5 (a) of the Act and awarded compensation under: Section 7 (1) (b) lost income, $97.00; 7 (1) (d) pain and suffering, $2,500.00; and 7 (1) (f) income lost to attend hearing, $30.00; and to the applicant's solicitor, legal fees of $300.00 and disbursements of $137.75, making the total award, $3,064.75.

FILE 922-014830

The applicant is a 69-year-old housewife, who was at her Toronto apartment with her husband of 56 years, the offender herein. They had been experiencing difficulties in their relationship.

On this particular evening, an argument erupted which quickly escalated into a physical confrontation. The offender became enraged with the applicant, and took a paring knife from the kitchen and proceeded to stab the applicant approximately 50 times about the face, neck, chest, and both arms. The offender then proceeded to beat the applicant about the head with a hammer until the handle broke.

At this point the offender left the applicant unconscious on the floor, took an overdose of pills, and collapsed in the bathroom. He survived. The applicant and offender were discovered eight hours later by the building manager who notified police.

The applicant was taken to hospital in a semi-conscious state. X-rays revealed a fractured nose, left cheek, mandible, and left long finger. The applicant's stab wounds were sutured and her condition stabilized. The following week, she underwent an open reduction of her facial fractures and a closed reduction of her finger fracture. She was discharged a month later. The applicant made a partial recovery from her physical injuries, but she still suffers from dizziness and pain in her jaw. The applicant testified that she is also emotionally disoriented as a result of the assault.

The offender who moved to Montreal, was convicted of causing bodily harm with intent and given a suspended sentence and two years probation.

The Board found the application qualified under Section 5 (a) of the Act and ordered compensation under 7 (1) (d) pain and suffering $5,000; 7 (1) (f) medical reports $120.00; solicitors fee and disbursements $351.00 for a total award of $5,471.00.

Former Members
of the
Law Enforcement Compensation Board
(April 1, 1968 — August 31, 1971)

and its successor

The Criminal Injuries Compensation Board
(September 1, 1971)

Apr. 25, 1968 — May	11, 1972	Judge Colin E. Bennett	Chairman & Member
Apr. 25, 1968 — Mar.	22, 1972	Robert P. Milligan, Q.C.	Member & Vice-Chairman
Apr. 25, 1968 — Dec.	31, 1973	Fred B. Deacon	Member
*Feb. 5, 1970 — Feb.	15, 1976	Judge A. Roy Willmott	Member
Aug. 20, 1970 — Sept.	9, 1971	Judge Ian M. Macdonnell	Member
*Jan. 1, 1972 — Mar.	31, 1974	Arthur A. Wishart, Q.C.	Chairman & Member
Feb. 9, 1972 — May	31, 1974	Robert C. Rutherford, Q.C.	Member & Vice-Chairman
Apr. 19, 1972 — Nov.	1, 1974	Vincent K. McEwan, Q.C.	Member & Vice-Chairman
*Jul. 1, 1973 — Apr.	1, 1978	Shaun MacGrath	Member, Vice-Chairman & Acting Chairman
Feb. 1, 1974 — Sept.	30, 1975	Eric H. Silk, Q.C.	Chairman & Member
Apr. 1, 1974 — Jan.	7, 1975	James W. Wakelin	Member
May 21, 1975 — June	1, 1978	Stuart David Cork, Q.C.	Member & Vice-Chairman
Sept. 22, 1975 — May	31, 1986	Audrey Merrett	Member & Vice-Chairman
Jan. 21, 1976 — Jan.	20, 1985	Allan Grossman	Chairman
*Feb. 16, 1976 — May	21, 1978	Edward W. Tyrrill, Q.C.	Member
Aug. 3, 1976 — Aug.	2, 1982	Douglas H. Lissaman, Q.C.	Member
June 1, 1978 — May	31, 1985	Robert W. Mitchell, Q.C.	Member
June 1, 1978 — May	31, 1985	Harvey Spiegel, Q.C.	Member
Sept. 1, 1978 — Aug.	3, 1985	Nathan L. Sandler	Member
*Jan. 30, 1980 — Jan.	29, 1986	Uno Viegandt	Member
Feb. 20, 1980 — Jan.	29, 1986	E. Lee Monaco	Member
Apr. 2, 1980 — Jan.	29, 1983	D. Arthur Evans	Member
Apr. 2, 1980 — Jan.	29, 1986	Linda Clippingdale	Member
*Sept. 1, 1984 — Apr.	26, 1985	Dr. Lyle Black	Member

On September 1, 1971, The Law Enforcement Compensation Act was superseded by The Compensation for Victims of Crime Act, and the title of the Board was changed from the Law Enforcement Compensation Board to the Criminal Injuries Compensation Board.

**(Deceased)*